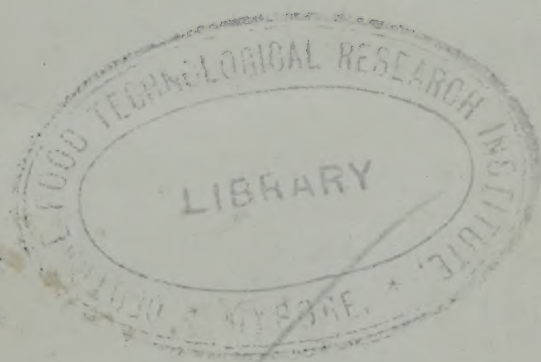


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THE PREVENTION OF FOOD ADULTERATION ACT & RULES

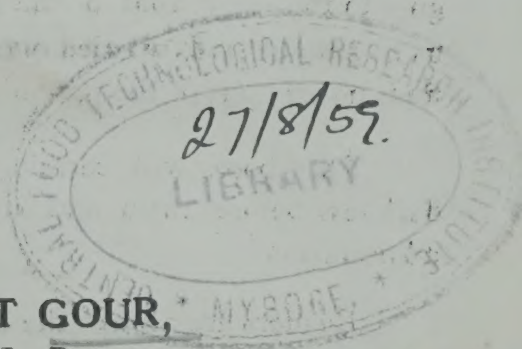
[Act XXXVII of 1954]

With

- 1. UP-TO-DATE AMENDMENTS,**
- 2. LATEST CASE LAW,**
- 3. EXCESSIVE NOTES & EXPLANATIONS**

By

LAKSHMI KANT GOUR,
B. A. (Hons.), LL. B.



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A WORD

It is a real service to those who are to execute the commendments of this Act particularly and to the nation as a whole generally to place this book with latest amendments and view points enunciated in the recent past years.

Most of us are quite ignorant about this legislation which actually goes to the very root of the building of our nation. Almost everyone of us is painful and worried over the issue of adulteration in food stuff and finds no way out of the prevailing set of circumstances.

This book will certainly serve them as a hand torch to probe the darkness before them and be to help them to uproot the evil of food adulteration.

Readers are always the best judges and so I humbly place this book into their hands for impartial judgement.

L. K. Gour

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NOTIFICATION AND ORDINANCES

THE PREVENTION OF FOOD ADULTERATION

ACT NO. 37 of 1954

[Received the assent of the President on 29th day of September, 1954.]

AN
ACT

to make provision for the prevention of adulteration of food.

Be it enacted by Parliament in the Fifth Year of the Republic of India as follows :—

PRELIMINARY

1. Short title, extent and commencement :—(1)

This act may be called the Prevention of Food Adulteration Act, 1954.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

NOTE :—1. The peculiarity about this new Act is that this is an All India Act. Prior to the passing of this Act individual states had their own Food laws passed by their individual State Legislatures. For instance in the State of Punjab there was Punjab Pure Food Act 1929. Under s. 22 of the Punjab Pure Food Act 1929 certain rules were framed for the purpose of giving effect to the provisions of this act. These rules were called Punjab Pure Food Rules. Both the Punjab Pure Food Act 1929 and Punjab Pure Food Rules were extended to Delhi State under s. 2 of the Part C States (laws) Act 1950 which runs as under :—

S. 2 : “Power to extend enactments to certain Part C States—
The Central Government may, by notification in the Official Gazette, extend to any part C State (other than Coorg and the

Andaman and Nicobar Islands) or to any part of such State, with such restrictions and modifications as it thinks fit any enactment which is in force in a Part A State at the date of the notification; and, provision may be made in any enactment so extended for the repeal or amendment of any corresponding law (other than a Control Act) which is for the time being applicable to that Part C State."

The extension of this Act, *i.e.*, The Punjab Pure Food Act 1929 and Punjab Pure Food Rules to the State of Delhi was notified in the official Gazette *vide* Government of India Departments of Education, Health and Lands Notification No. F-117-32 H. dated 9-6-32 and sanctioned by the Chief Commissioner's notification No. B-88/32 Home dated 21-6-32 and subsequent Notification No. B-88/32 Home dated 15-8-32 and 1032 Home dated the 6th February 1935.

With the passing of the present Act the Punjab Pure Food Act 1929 and all the rules formed under s. 22 of the Said Act that were prevalent in Delhi State have been cancelled and in their place, the New Act has come into force.

The name of the Act, *i.e.*, The Prevention of Food Adulteration Act shows clearly that Government is determined to root out adulteration of food. The evil of adulteration of food could not be adequately checked by the Pure Food Laws and rules that were prevalent before the passing of this Act. That is why heavy penalties are prescribed for the breach of the provisions of the Act.

This Act has not been made applicable to the State of Jammu and Kashmir, not because adulteration of food is permissible in that State. On the other hand, State of Jammu and Kashmir being an important border state has its own strict laws and rules for the prevention of food adulteration. The exception of the State of Jammu and Kashmir from the operation of certain legislative enactments some times gives rise to the strange notion that this state is not an integral part of the Indian Union. This is altogether an incorrect notion. The accession of this state to India is complete in all respects. Under our constitution which has been regarded as the best constitution in the world any state has a right to sever its connection from the main land. Similarly the

State of Jammu and Kashmir has the same right, but this does not mean that the present accession and merger is incomplete. On the other hand the express exception of the State of Jammu and Kashmir in subsection (2) of Section 1 proves positively that the State of Jammu and Kashmir is an integral part of the Union of India.

NOTE :—2 Commencement : The Central Government, by Notification No. F. 9-4/55—D, dated May 9, 1955, published in the Gazette of India, Part II—Section 3, dated May 21, 1955, has appointed June 1, 1955, as the date of the commencement of this Act.

NOTE :—3. Section 25 of this Act has repealed all the State Acts excepting the rules, regulations and bye-laws relating to the Prevention of Adulteration of food of the repealed Acts in force immediately before the commencement of this Act in so far as they are not in consistent with the provisions of this Act and the rules made under it

2. Definitions—In this Act, unless the context otherwise requires,—

(i) “adulterated”—an article of food shall be deemed to be adulterated—

(a) if the article sold by a vendor is not of the nature substance or quality demanded by the purchaser and is to his prejudice, or is not of the nature, substance or quality which it purports or is represented to be ;

(b) if the article contains any other substance which affects, or if the article is so processed as to affect, injuriously the nature, substance or quality thereof ;

(c) if any inferior or cheaper substance has been substituted wholly or in part for the article so as to affect injuriously the nature, substance or quality thereof ;

(d) if any constituent of the article has been wholly or in part abstracted so as to affect injuriously the nature, substance or quality thereof ;

(e) if the article had been prepared, packed or kept under insanitary conditions whereby it has become contaminated or injurious to health ;

(f) if the article, consists wholly or in part of any filthy putrid ; disgusting, rotten decomposed or diseased animal or vegetable substance or is insect-infested or is otherwise unfit for human consumption ;

(g) if the article is obtained from a diseased animal ;

(h) if the article contains any poisonous or other ingredient which renders it injurious to health ;

(i) if the container of the article is composed, whether wholly or in part of any poisonous or deleterious substance which renders its contents injurious to health ;

(j) if any colouring matter other than that prescribed in respect there of and in amounts not within the prescribed limits of variability is present in the article ;

(k) if the article contains any prohibited preservative or permitted preservative in excess of the prescribed ;

(l) if the quality or purity of the article falls below the prescribed standard or its constituents are present in quantities which are in excess of the prescribed limits of variability ;

NOTE :—1. This Act gives an exhaustive definition of the word “adulterated”. In the enactments of State legislatures the word “adulterated” had a limited meaning. Some of the State acts and rules did not define the word “adulterated”. So the Courts had to look to the dictionary meaning of the word “adulterated”. For instance, if a man mixes water with milk and sells the mixture as milk, he can be said to have diluted the milk but cannot be said to have adulterated the milk. In this way many criminals who were cheating the Public on a large scale could not be brought under the clutches of the law. A diluted milk need not necessarily be injurious to health, if it is boiled and administered. On the other hand it might be very useful for a weak patient and an invalid. Yet according to the present definition the man who mixes water and milk and sells the mixture as milk is guilty of selling adulterated food.

The present definition of the word adulterated is so extensive that even if the article of food is unadulterated, should it be contained in

a poisonous or deleterious substance which may render its contents injurious to health, the person responsible is guilty of adulterating the food so contained.

In composing the definition of the word "adulterated," all considerations of fraud, health, quality, substance, inferiority, cheapness, Sanitary conditions and the source of food have been taken into account. If the article is taken from a diseased animal, or if the article consists of any filthy, putrid, disgusting rotten or decomposed substance, the same becomes "adulterated" within the definition of the word in this act. Standards have been prescribed for various articles of food and, if the article falls below the prescribed standard, the same becomes "adulterated" and exposes the person responsible for such adulteration to heavy penalties.

NOTE :—2. Appendix B of the rules lays down the various standards of purity of food. Any article below that standard is considered to be infringing the provisions of this Act and the person so infringing can be held liable for punishment provided under this Act. *State vs. Amrit Lal Bhogi Lal* A.I.R. 1954 Bom. 216=1954. I. L. R. Bom. 459.

In *Deo Mitra vs. Rex*. 1948 A.L.J. 490=1948 A.W.R. (H.C) 204=A.I.R. 1949 All 35=50 Cri. L.J. 105, it was held that besides any deviation from the standards fixed by the Government, a person can be held liable of an offence of adulteration if he sells any article of food which is not of the nature, substance or quality which it purports to be.

A similar view was taken in *Chittar Mal vs. State* 1954 A.W.R. (H.C.) 604. It was also held in that case that even kattha is an article of food as it is used in preparing a pan.

In *Public Prosecutor vs. Sriranganayakulu* A.I.R. 1949 Mad. 629=50 Cri. L. J. 893=1949 M.W.N. 282=1949—2 M. L. J. 15, it was held that in the absence of any rules framed by the Government the only reasonable inference could be that an article of an absolute purity should be sold to the purchaser.

A vendor of hot milk adulterated with water and deficient in milk fats and solids is liable for food adulteration under the Act, even if the addition of water was to prevent its boiling over in heating. *Public Prosecutor vs. M. Kondayya* A.I.R. 1947 Mad. 184=48 Cr. L. J. 676=I.L.R. 1947 Mad. 632=231 I.C. 83.

NOTE : -3 In *State vs. Bharat Shankar Tapar* A I R. 1954 Bom. 306 the expressions. To the prejudice of the purchaser has been explained. Vyas. J. held that this expression means prejudice to the generality of purchasers and not prejudice to the actual purchaser. A particular person in a given case may not be prejudiced by the purchase, but if an ordinary person who purchased an article of food was likely to be prejudiced by the purchase, an offence would be said to have been committed. .

A similar view was expressed in *State vs. Amrit Lal*, A I R. 1954 Bom. 216.

In *Ram Badal vs. State* 1951 A.L.J. 556 = 1951 A.W.R. (H.C.) 423 = 1951 All. Cr. C. 85 = A.I.R. 1952 All 82 (Lucknow Bench) it was held that if it is shown that the addition of any substance to any article is shown to be fraudulently made in order to increase the bulk, weight or measure of the food or to conceal the inferior quality thereof the sale of such an article shall be deemed to be a sale to the prejudice of the purchaser.

In *Brij Mohan Dass vs. Emp.* 1948 A. L. J. 1 = 1947 A. W. R. (H.C.) 398 = I.L.R. 1948 All 134 = 49 Cr. L. J. 175 = A I.R. 1948 All 177 = 1948 O.W.N. 61 it was held that no question of prejudice to the purchaser arises, where the charge is simply for "exposing for sale" an adulterated article of food.

In *Emp. vs. Puran Mal* 1948 A.W.R. (H.C.) 159 = 49 Cr. L. J. 686 = A.I.R. 1948 All. 403 it was expressed that in cases where in the process of production, preparation or conveyance some extraneous substance has unavoidably become intermixed therewith it would be wrong to hold that the sales, of such an article to a purchaser amounted to the prejudice of the purchaser.

NOTE : -4. 2 (i) (j) Colouring Matter :

Rules 23 to 31 in Part VI of the Central Rules regulate the addition of colouring matter in foodstuffs.

NOTE : -5. 2 (i) (k) Prohibited preservatives or Permitted Preservatives :

Rules 52 to 56 in Part X (added to the Rules by Notification No. S R.O. 1687, dated July 14, 1956 ; published in the Gazette of India, Part II. Section 3, dated July 28, 1956) regulate the addition of preservatives.

NOTE :—6. Standards of Purity :

In Appendix B of the Central Rules purity of food or standards of purity have been laid down which should be strictly applied.

In *Mithan Lal vs. Emp.* A. I. R. 1934 All. 439=35 Cr. L. J. 913=149 I.C 222 *Budh Sen vs. Emp.* A.I.R. 1934 All 329=35 Cr. L.J. 681 *Ram Dayal vs. Emp.* A.I.R. 1927 All. 730 it was held that the fact that the percentage of adulteration is negligible or is universally tolerable may only affect the quantum of sentence, but not the liability of the offender.

(ii) “Central Food Laboratory” means any laboratory or institute established or specified under section 4 ;

NOTE :—The present Act authorises the Central Government to establish a Central Food Laboratory or specify any laboratory or institute as a Central Food Laboratory. This is a very important provision. This will ensure uniformity in the quality and standard of food articles through the length and breadth of the Indian Union. The presence of the Central Food Laboratory will ensure proper functioning by the Public analysts who are appointed by state governments. They will realize that their verdict on the quality and analysis of the articles of food is liable to be checked by the Central Food Laboratory. This fact will induce them to be careful and fair in giving their results.

By Notification No. S R.O. 1234 PFA/Section 4/F-11-4/55 D(1), dated June 1, 1955 the Central Food Laboratory is located at 110, Chittaranjan Avenue, Calcutta—12.

By Notification in the Government of India Gazette, dated 24th November, 1956 Part II-Section 3 the fee of Rs. 40/- per sample of food has been prescribed with effect from 24th day of November, 1956. These fees are to be deposited in the Government Treasury Under Head XXVIII-Public Health (Central).

(iii) “Committee” means the Central Committee for Food Standards constituted under section 3 ;

NOTE :—In the present Act a Central Committee for Food Standards has been constituted under s. 3 of the Act. The functions of this Central Committee are to advise the Central Government and the State Governments on matters arising out of the administration of this Act and to carry out the other functions assigned to it under

the Act. This Committee consists of as many as 30 (thirty) members and is thoroughly representative of various departments and ministries. This Committee is presided over by the Director-general, Health Services who is its chairman *ex officio*. Besides the Chairman, this Committee consists of the Director of the Central Food Laboratory, two experts nominated by the Central Government and one representative each of the Central ministries of Food and Agriculture, Commerce and Industry, Railway and Defence nominated by the Central Government, one representative each nominated by the Government of each Part A States and Part B States, two representatives nominated by the Central Government to represent Part C States, two representatives of Industry and Commerce nominated by the Central Government and one representative of the medical profession nominated by the Indian Council of Medical Research. Such a big and highly representative Committee must command the respect and confidence of the citizens of the country. This Committee has been authorised to make its own bye-laws for the purpose of regulating its own procedure and the transaction of its business subject to the previous approval of the Central Government.

(iv) ‘Director of the Central Food Laboratory’ means the person appointed by the Central Government by notification in the Official Gazette as the Director of the Central Food Laboratory and includes any person appointed by the Central Government in like manner to perform all or any of the functions of the Director under this Act ;

(v) “food” means any article used as food or drink for human consumption other than drugs and water and includes—

- (a) any article which ordinarily enters into, or is used in the composition or preparation of human food, and
- (b) any flavouring matter or condiments ;

NOTE : — This definition of “food” removes all doubts whether the adulteration of any spices or condiments or any flavouring matter is punishable under the Act. Formerly adulterators of such matters could forward a plea that the material they adulterated was not

food, as the same is not usually consumed by human beings, and that they have, therefore Committed no offence against the food laws. Some authorities held such matters as "food", while others held the country. By adopting this definition of "food", the Lok Sabha has set at rest all such doubts. Under the present act, therefore, adulteration of not only articles which are ordinarily used as food but also that of any flavouring matter or condiments has been made an offence.

Adulteration of drugs and medicines and water has not been made punishable under this Act, but for such adulteration and punishment has been provided under other enactments of the Legislature.

It was sometimes imagined that "food" meant solid food and that milk and other liquid drinks such as liquors, wines and similar excisable articles were included in the word "food". To resolve those doubts the present definition of the word "food" meaning any article used as food or drink for human consumption has been adopted.

In *Dewan Singh vs. Emp.* A.I.R. 1937 Lab. 702=171 I.C. 16 ; *Nebhandas Hollaram vs. Emp.* A.I.R. 1939 Sind 337=I.L.R. 1940 Kar 91=185 I.C. 832=41 Cr. L. J. 246 ghee from the frying pan, where sweetmeats and Pakoras were offered for sale, was taken out and it was later on held that the accused was guilty for using impure ghee.

(vi) "Food (Health) Authority" means the Director of Medical and health Services or the Chief Officer in charge of Health administration in a State by whatever name he is called ;

(vii) "local area" means any area, whether urban or rural, declared by the State Government, by notification in the official Gazette, to be local area for the purposes of this Act ;

By Notification No. 10656 (i) XVI (P.H.) —722—55, published in the U.P. Government Gazette, Part I at page 245 dated 18th February, 1956, the governor declared the following areas to be 'Local Areas' ;

(i) Municipalities (ii) Railway premises including Railway Stations and Colonies, (iii) Cantonments (iv) Notified Areas (v) Rural Areas which shall include Town Areas in Uttar Pradesh

(viii) "local authority" means in the case of—

(1) a local area which is—

- (a) a municipality, the municipal board or municipal corporation ;
- (b) a cantonment, the cantonment authority ;
- (c) a notified area, the notified area committee ;

(2) any other local area, such authority as may be prescribed by the state Government under this Act

The Governor by Notification No. 10656 (ii) XVI-722-55 published in the U. P. Government Gazette, Part I at page 245 dated 18th February, 1956, declared the following to be 'Local Authorities' for the various local areas, other than Municipalities, cantonments and Notified Areas :—

- | | |
|---|--|
| (i) For the Railway Premises including Railway Stations and colonies. | Divisional Medical officers of the Railway concerned in Uttar Pradesh. |
| (ii) For the Rural Areas including Town Areas : | Magistrates Incharge Sub-Division concerned. |

(ix) "misbranded"—an article of food shall be deemed to be misbranded—

(a) if it is an imitation of or is a substitute for, or resembles in a manner likely to deceive, another article of food under the name of which it is sold, and is not plainly and conspicuously labelled so as to indicate its true character ;

(b) if it is falsely stated to be the product of any place or country ;

(c) if it is sold by a name which belongs to another article of food ;

(d) if it is so coloured, flavoured or coated, powdered or polished that the fact that the article is damaged is concealed or if the article is made to appear better or of greater value than it really is ;

(e) if false claims are made for it upon the label or otherwise ;

(f) if, when sold in packages which have been sealed or prepared by or at the instance of the manufacturer or producer and which bear his name and address, the contents of each package are not conspicuously and correctly stated on the outside thereof within the limits of variability prescribed under this Act ;

(g) if the package containing it or the label on the package bears any statement, design or device regarding ingredients or the substances contained therein, which is false or misleading in any material particular; or if the package is otherwise deceptive with respect to its contents ;

(h) if the package containing it or the label on the package bear the name of a fictitious individual or company as the manufacturer or producer of the article ;

(i) if it purports to be, or is represented as being, for special dietary uses, unless its label bears such information as may be prescribed concerning its vitamin, mineral, or other dietary properties in order sufficiently to inform its purchaser as to its value for such uses ;

(j) if it contains any artificial flavouring, artificial colouring or chemical preservative, without a declaratory label stating that fact, or in contravention of the requirements of this Act or rules made thereunder ;

(k) if it is not labelled in accordance with the requirements of this Act or rules made thereunder ;

NOTE :—The present Act prohibits not only the manufacture, sale and distribution of adulterated food, but also it prohibits the manufacture, sale and distribution of misbranded food. Prior to the passing of this Act in some of the states misbranded food was not dealt with under the food regulations, but the offenders were prosecuted under

the ordinary law of cheating. Many of such offenders escaped punishment on some technical plea or the other. Under the present Act even the manufacture for sale or store of a misbranded food has been made a distinct offence, whether or not the same is sold to a customer and whether or not any misrepresentation has been orally made to him.

The definition of the word "misbranded" as has been adopted by the present Act is very exhaustive. If the article of food is an imitation of another article or resembles another article of food, it is "misbranded", unless its label show plainly and conspicuously its true character.

If an article of food is imported from Germany and the words written on its label are "Made in England", this will be "misbranded", whether or not the article is equally good for human consumption or even better. A damaged article of food, if coloured, flavoured or polished to conceal the damage, will nevertheless be "misbranded". If sold in packages, the contents of each package must be "conspicuously and correctly stated on the outside, otherwise the article will be deemed to be misbranded. Any misstatement regarding the ingredients, the name of the individual or the company as its manufacturer or producer will make the article so described "misbranded". The purchaser must be informed of the dietary properties of an article of food represented as being for special dietary uses.

Such is the exhaustive definition of the word "misbranded" that one is forced to the conclusion that the Central Legislature of our country desires scrupulously honest, fair and cautious dealings regarding the manufacture and sale of articles of food.

(x) "package" means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which an article of food is placed or packed ;

(xi) "premises" include any shop, stall or place where any article of food is sold or manufactured or stored for sale ;

(xii) "prescribed" means prescribed by rules made under this Act ;

(xiii) “sale” with its grammatical variations and cognate expressions, means the sale of any article of food, whether for cash or on credit or by way of exchange and whether by wholesale or retail, for human consumption or use, or for analysis, and includes an agreement for sale, an offer for sale, the exposing for sale or having in possession for sale of any such article, and includes also an attempt to sell any such article ;

NOTE :—Under the present Act not only sale of adulterated and misbranded food is prohibited, but an offer for sale, the exposing for sale and having in possession for sale and an attempt to sell an adulterated or misbranded article of food is also prohibited. But in some sections of the Act the word “sale” only is used. Therefore the parliament has provided that sale includes an agreement to sell, offer, exposure, having in possession for sale and attempt to sell.

NOTE :—In Ballamkonda Kana Kayya, A. I. R. 1942 Mad 609=43 Cr. L. J. 863 it was held that if an article for sample is demanded by a Sanitary Inspector in exercise of his powers conferred upon him by this Act, and the same is handed over to him : it does not amount to a sale.

But later on the above case was overruled in Public Prosecutor vs. Annamalai Chettiar A. I. R. 1953 Mad 862=1953 Cr. L. J. 1639 =1953-1 M. L. J. 593 ; Public Prosecutor vs. Dada Haji Ebrahim Helari A. I. R. 1953 Mad 241 ; Public Prosecutor vs. Ram Chandrayya 1948 M. W. N. crl 32 ; Public Prosecutor vs. Narayan Singh 1944 M. W. N. crl. 131.

(xiv) “sample” means a sample of any article of food taken under the provisions of this Act or of any rules made thereunder ;

(xv) the words “unwholesome” and “noxious” when used in relation to an article of food mean respectively that the article is harmful to health or repugnant to human use.

NOTE :—In using the words “unwholesome” and “noxious” in relation to an article of food the Lok Sabha has not only regard for the

health of the citizens but also for their taste. An article of food may not be harmful to health but may not be liked by people and may be repugnant to human use.

CENTRAL COMMITTEE FOR FOOD STANDARDS AND CENTRAL FOOD LABORATORY

3. **The Central Committee for Food Standards** —(1) The Central Government shall, as soon as may be after the commencement of this Act, constitute a Committee called the Central Committee for Food Standards to advise the Central Government and the State Governments on matters arising out of the administration of this Act and to carry out the other functions assigned to it under this Act.

(2) The Committee shall consist of the following members, namely :—

(a) the Director-General, Health Services, *ex-officio* who shall be the chairman ;

(b) the Director of the Central Food Laboratory, *ex-officio* ;

(c) two experts nominated by the Central Government ;

(d) one representative each of the Central Ministries of Food and Agriculture, Commerce and Industry, Railways and Defence nominated by the Central Government ;

(e) one representative each nominated by the Government of each Part A States and Part B States ;

(f) two representatives nominated by the Central Government to represent the Part C States ;

(g) two representatives of industry and commerce nominated by the Central Government ;

(h) one representative of the medical profession nominated by the Indian Council of Medical Research.

(3) The members of the Committee referred to in clauses (c), (d), (e), (f), (g) and (h) of sub-section (2) shall, unless their seats become vacant earlier by resignation, death or otherwise, be entitled to hold office for three years and shall be eligible for renomination.

(4) The functions of the Committee may be exercised notwithstanding any vacancy therein.

(5) The Committee may appoint such and so many sub-committees as it deems fit and may appoint to them persons who are not members of the Committee to exercise such powers and perform such duties as may, subject to such conditions, if any, as the Committee may impose, be delegated to them by the Committee.

(6) The Committee may, subject to the previous approval of the Central Government, make bye-laws for the purpose of regulating its own procedure and the transaction of its business.

NOTE :—With the passing of this Act. The Central Committee for Food Standards has been or may shortly be constituted. The constitution of such a big committee for controlling the situation of food in the country has been ordered for the first time in the history of our sub-continent. Previously the Director-General of Health Services did not take such keen and thorough interest in the manufacture, sale and distribution of food in the Country. Now he has been made the chairman of the Central Committee for Food Standards *ex-officio*. Under his guidance the Central Committee for Food Standards is bound to Control the food situation in the country properly.

4. **Central Food Laboratory.**—(1) The Central Government may by notification in the official Gazette, —

(a) establish a Central Food Laboratory ; or

(b) specify any laboratory or institute as a Central Food Laboratory ;

to carry out the functions entrusted to the Central Food Laboratory by this Act or any rules made under this Act.

(2) The Central Government may, after consultation with the committee, make rules prescribing—

- (a) the functions of the Central Food Laboratory ;
- (b) the procedure for the submission to the said Laboratory of samples of articles of food for analysis or tests, the forms of the Laboratory's reports thereon and the fees payable in respect of such reports ;
- (c) such other matters as may be necessary or expedient to enable the said Laboratory to carry out its functions.

The effect of the establishment or specification of a Central Food Laboratory in the union of India will be uniformity of Food Standards throughout the country. This will eliminate chances of smuggling of objectionable food articles from one state to another in order to escape justice. An adulterated or misbranded food will remain adulterated or misbranded as the case may be, whether the possessor or the seller be found in one state or another. So in this way, uniformity in food legislation will bring about national solidarity. This object *i.e.*, stoppage of smuggling objectionable from one state to another has been insured by the constitution of the Central Committee for Food Standards.

NOTE 1 :—The Central Committee for Food Standards has been constituted by the Government of India *vide* Notification No. S.R.O. 1236 F. 12-54/54-D.S. dated the 1st June, 1955.

NOTE 2 :—By Notification No S.R.O. 1234 P.F.A./Section 4/F-11-4/55 D(1), dated June 1, 1955 the Central Committee for Food Standards has been constituted.

NOTE 3 :—Rules 3 and 4 in Part II of the Central Rules provide the rules relating to the Central Food Laboratory.

General Provisions as to Food

5. Prohibition of Import of certain articles of foods —

No person shall import into India—

- (i) any adulterated food ;
- (ii) any misbranded food ;

(iii) any article of food for the import of which a licence is prescribed, except in accordance with the conditions of the licence ; and

(iv) any article of food in contravention of any other provision of this Act or of any rule made thereunder.



NOTE :— Besides prohibiting manufacture and sale of adulterated and misbranded food in the Country, it has been provided in this section that no such objectionable food shall be imported into India from a foreign Country. If a licence is prescribed for the import of an article of food, the conditions of the licence must be fulfilled. It is no defence in a prosecution under this act that the licence of the article of food was not necessary or that the breach of the conditions of the licence has not impaired the food value of the article. The Lok Sabha has delegated to the Government the authority to make the rules and to prescribe the conditions under which an article of food may be imported into India. The person accused of importing an article of food Contrary to the conditions of the licence has no right to judge the effect of the breach of the conditions on the quality of the food imported. Once a person has taken a licence he is deemed to have agreed to its conditions and he must abide by the same. Breach of the Conditions will expose him to the penalty prescribed in section 16 of the Act.

Prior to the passing of this Act, the sale or -possession of adulterated food was not absolutely prohibited. The same could be sold, exposed for sale or stored under certain conditions, but such sale or possession or exposure is absolutely prohibited. Rules 16 to 20 of Punjab Pure Food Rules 1930 which were in force in Punjab and Delhi States provided certain conditions under which an adulterated food could be stored, exposed for sale or sold. The said rules ran thus :—

16. On every package containing adulterated food exposed for sale, whether open or closed, there shall be exposed a label in form B appended to these rules.

FORM B

Form of Label

This as (a) Contains or admixture of
 more than (b) percent of
 (c)

(a) Here insert the name of the food.

(b) Here insert the maximum amount of adulterant which may be present.

(c) Here insert the name of the adulterant.

Every such label shall contain the name of the food and the name and maximum amount of adulterant present therein in black letters on a white ground in such manner as to be clearly visible to the purchaser and shall measure at least four inches by three inches.

17. The language in such label shall be Urdu, Hindi, Gurmukhi or English.

Provided that, if the Municipal, small town or notified Area Committee or the District Board exercising jurisdiction in the area in which such label is displayed decides by resolution passed at an ordinary meeting that the language used shall be any one or any two or more of the said languages, such language or languages shall be used.

18. Unless the vendor of an adulterated article of food knows or has reason to believe that the purchaser is able to read and understand the label, he shall give to the purchaser the information contained in the label by word of mouth at the time of purchase.

19. Every advertisement and every price or trade list advertisement of an adulterated article of food shall specifically describe such food as adulterated, and in particular shall state whether any injurious or poisonous substance has been added thereto. No such advertisement or price or trade list shall contain any words of description implying that the food is not adulterated.

20. In all cases where a person is required under these rules to exhibit a label or notice to the effect that food sold by him is adulterated and such label or notice is worded in Urdu, Hindi or Gurmukhi, the word to be used in translating the word adulterated and its derivatives shall be the word "milawat" and its derivatives.

The perusal of these rules shows that the State Legislature was anxious to see that no fraud be played on the purchase of an adulterated food, if he wanted to buy such a food. With all these precautions frauds are reported to have been practised extensively and the health of the citizens has suffered. Under these circumstances the Lok Sabha has altogether prohibited the manufacture, sale or distribution of any adulterated food in the country and has also prohibited the import of such a food from foreign countries into India.

Application of law relating to sea customs and powers of Customs Officers :— (1 The law for the time being in force relating to sea customs and to goods, the import of which is prohibited by section 18 of the Sea Customs Act, 1878 (VIII of 1878) shall, subject to the provisions of section 16 of this Act apply in respect of articles of food, the import of which is prohibited under section 5 of this Act, and officers of Customs and officers empowered under that Act to perform the duties imposed thereby on a Customs Collector and other officers of Customs shall have the same powers in respect of such articles of food as they have for the time being in respect of such goods as aforesaid.

(2 Without prejudice to the provisions of sub-section (1) the Customs Collector, or any officer of the Government authorized by the Central Government in this behalf, may detain any imported package which he suspects to contain any article of food the import of which is prohibited under section 5 of this Act and, shall forthwith report such detention to the Director of the Central Food Laboratory and, if required by him, forward the package or send samples of any suspected article of food found therein to the said Laboratory.

FE - Under Section 18 of Act No. VIII of 1878 (the Sea Customs Act 1878) the import into India of certain goods is prohibited and the Customs Collectors and their Subordinates are authorised to

search for prohibited goods and detain any imported package which is suspected to contain such prohibited goods. Similar powers are, by this section, conferred upon customs collectors and their subordinates in respect of articles of food, the import of which is prohibited under section 5 of this Act. They have been further authorised not only to detain an imported package containing objectionable food article, but to forthwith report such detention to the Director of the Central Food Laboratory and, if the Director requires to forward the said package to the said Laboratory or send samples of any suspected article of food found in the said package.

7. Prohibition of manufacture sale, etc., of certain articles of food :—No person shall himself or by any person on his behalf manufacture for sale, or store, sell or distribute :—

- (i) any adulterated food ;
- (ii) any misbranded food ;
- (iii) any article of food for the sale of which a licence is prescribed, except in accordance with the conditions of the licence ;
- (iv) any article of food the sale of which is for the time being prohibited by the Food (Health) Authority with a view to preventing the outbreak or spread of infectious disease ; or
- (v) any article of food in contravention of any other provision of this Act or of any rule made thereunder.

NOTE:—1. This section prohibits the manufacture, sale and distribution of all articles of food, the import of which into India is prohibited under s. 5. This section further prohibits the sale, manufacture and distribution of any article of objectionable food which is prohibited during the prevalence of infectious diseases by the Food (Health) Authority with a view to prevention of such diseases.

Food (Health) Authority means the Director of Medical and Health Services or the Chief Officer incharge of Health administration in a state by whatever name he is called.

In a case in Abdul Salam, A. I. R. 1957 Mad 268—(1953) 1 Mad L. g. 25 it was held that the Assistant Medical Officer is not empowered to launch prosecution against the accused under this section. Also see state *vs.* Mool Chand A.I.R. 1957 All 343 (1)= 1957 cr. L. g. 615.

Supposing that cholera prevails in a city in epidemic form and the Director of Health Services prohibits the sale of certain vegetables and fruits, the disobedience of this prohibition will not be dealt with under the ordinary law, but will be dealt with under the Prevention of Food Adulteration Act 1954 entailing heavy penalties like rigorous imprisonment for one year for the first offence and two years for a second offence.

NOTE :—2. Master and servant : Regarding the liability of the master and the servant there are various rulings on this point. The true test of liability in this matter is to look at the object of the each Act in order to see how far knowledge is of the essence of the offence created. It is material to enquire (1) whether the object of the statute would be frustrated, if proof of such knowledge was necessary (2) whether there is anything in the wording of the particular section which implies knowledge ; (3) whether there is anything in other sections showing that knowledge is an element in the offence, which is omitted or referred to in the section under discussion. Hari Prasada Rao *vs* State A.I.R. 1951 s.c. 204=52 cr. L.g. 768=1951 M.W.N. 374=1951—1 M.L.g. 612=1951 A L.g. (S.C. Sup) 55.

In this Act, the wording of section 16 is very clear and this section do not admit of a consideration of Mensa Rea Under the present Act in discussion the actual seller (employee) and the person on whose behalf the sale is made (employer) are both liable to be convicted. Brij Mohan Dass *vs.* Emp. A.I.R. 1948 All. 177= 1948 A.L.g. 1=49 cr. L.g 175=I.L R. 1948 All. 134=1947 A.W.R. (H.C.) 398 ; Public Prosecutor *vs.* Lourdaswamy A.I.R. 1957 Mad 631=1957 cr. L.g 1148=(1957) Mad. L.g. (cr.) 512=1957 ker. L.T. 966.

There are other views also in which it has been held there where if the master is able to show that he used due diligence and care and what was done by his employee was without his knowledge, consent or connivance, he has got to be acquitted and the employee

alone will be convicted. *Public Prosecutor vs. Annamalai Chettiar* A.I.R. 1953 Mad. 802 = 1953 cr. L.g. 1037 = 1953-1 M.L.L.g. 500.

The servant, however, cannot be convicted for the offence of storing adulterated food. He must be shown to be actually selling the articles of food with the knowledge that the same is an adulterated article. *In re : Anantanarayan* A.I.R. 1941 Mad. 320 = 1941 M.W.N. 1242 = 42 cr. L.g. 330.

Agent's liability : commission agent is also equally liable according to the principle stated above. *Ram Gopal vs. Emp.* A.I.R. 1936 All. 835 = 1936 A.L.g. 1037 = 1936 A.W.R. (H.C.) 875 = 38 cr. L.g. 277. *Municipal Board, Bareilly vs. Ram Gopal* A.I.R. 1940 All. 517 = 1940 A.L.g. 653 = 1940 A.W.R. (H.C.) 482 = 1 L.L.R. 1940 All. 643 = 42 cr.L.g. 243. *Emp. vs. Pran Singh* A.I.R. 1944 Lab. 420 = 1 L.L.R. 1944 Lab 240 = 46 cr L.g. 135 = 216 Ind. cas 190.

ANALYSIS OF FOOD

8. Public Analysts :—The State Government may, by notification in the Official Gazette appoint persons in such number as it thinks fit and possessing such qualifications as may be prescribed, to be public analysts and define the local areas over which they shall exercise jurisdiction :

Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be so appointed :

Provided further that the State Government may appoint one public analyst for two or more local areas, such local areas being regarded as one unit for the purposes of this Act.

NOTE :— By this section the State Government has been authorised to appoint certain persons to be public analysts, whose functions would be to analyse any objectionable article, of food and report the percentage of adulterants present therein. The qualifications of such public analysts will be prescribed by the rules. No rules have yet been formed under this Act. However to give the reader an idea of the qualifications of a public analyst rule No. 3 of Punjab Food Rules 1930 is reproduced :—

3. No person shall be appointed to be a Public Analyst unless he :—

- (a) holds a degree of Master of Science or Bachelor of Science of any British or Indian Statutory University, or
- (b) holds a medical degree of a British or Indian Statutory University together with a degree or diploma in public health, registerable under the British Medical Acts or granted by an Indian Statutory University, or
- (c) is able to produce evidence to the satisfaction of the Local Government that by reason of special training and experience he is competent to perform the duties of a Public analyst in respect of all articles of food or any specified article of food.

From this it will appear that a layman cannot be appointed a Public Analyst, but a person of qualifications and having special training in chemical analysis of compounds and mixtures is entitled to be appointed.

To ensure justice and fairness, it has been provided that a person having any financial interest in the manufacture, import or sale of any article of food cannot be appointed to be a Public Analyst.

For the purposes of this Act, a state may be divided into local areas and each area will ordinarily have one Public Analyst, but when local areas are small, one Public Analyst may be appointed for two or more local areas. Such local areas will be regarded as one unit for the purposes of this act, but for one local area two Public Analysts cannot be appointed. Besides being illegal, difference of opinions between two Public Analysts might make the whole thing complicated.

NOTE :—2. The qualifications of Public Analysts have been laid down in Rule 6 of the Central Rules and their duties have been laid down in Rule 7.

NOTE :—3. Vide Notification No. 10656/XV/— P. H. 9722—55— which runs as follows :—

In suppression of notification No. 1328/X/V (P. H.) 706—53, dated September 2, 1953 and in exercise of the powers conferred by

section 8 of the Prevention of Food Adulteration Act, 1934 (Act XXXVII of 1934), the Governor is pleased to appoint the following persons, as public Analysts for the whole of Uttar Pradesh, which shall be treated as one single Unit for the purposes of the said Act.

(1) Dr. A. C. Chatterji, D. S.C. Dr Ing. (Berlin), Public Analyst to Government (1), Uttar Pradesh.

(2) Sri S. C. Roy, M. Sc., F. I. C. Public Analyst to government (11) Uttar Pradesh.

9. Food Inspectors.—(1) Subject to the provisions of section 14 the State Government may, by notification in the Official Gazette, appoint persons in such number as it thinks fit, having the prescribed qualifications to be food inspectors for the purposes of this Act, and they shall exercise their powers within such local areas as that Government may assign to them :

Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be so appointed.

(2) Every food inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code (Act XLV of 1860).

NOTE :—1. This section gives similar authority to the State Governments to appoint food Inspectors, as the previous section gave the authority to the State Government to appoint Public Analysts. This section is similar in all respect to the previous section. Qualifications of a Food Inspector are prescribed by the rules and it has also been provided in this section that no person having a financial interest in the manufacture, import or sale of any article of food shall be appointed a Food Inspector. This provision was essential in the interest of fairness and justice.

Under the Punjab Pure Food Rules 1930 it was provided that the medical Officer of Health, the Assistant Medical officer of Health and the chief Sanitary Inspector shall ordinarily be appointed Food Inspectors. They could exercise their powers of inspection of any place ordinarily used for the sale of food during certain hours only

i. e., in Summer between 6 P. M. and 9 P. M. and in Winter between 7. 30. P. M. and 9 P. M. No such time limit has been fixed for the Inspection of places ordinarily used for the sale of food under the present Act, Para (2) of this section provides that every food inspector shall be deemed to be public servant within the meaning assigned to the words Public servants in the Indian Penal Code (Act XLV of 1860). This provision is very important and far-reaching. It gives definite rights and enjoins definite duties on food inspectors. A food inspector cannot accept illegal gratifications nor can he cause such gratification to be given to some other person. He cannot accept any valuable thing without consideration or with an inadequate consideration from any person who is concerned in any proceeding before such food inspector. A food inspector cannot cause wilful injury to a person nor can he frame an incorrect record to the injury of any person. These in brief are the duties of a food inspector as a public servant. As for his rights he cannot be insulted or obstructed in the discharge of his duties. He can enter any place for discharging his duty, can make a search for adulterated food, take samples and seize objectionable articles of food. The most important right that has been conferred on a food inspector is that he may exercise the powers of a police officer under 57 of the Code of Criminal Procedure 1898 (Act V of 1898) for the purpose of ascertaining the time, name and residence of the person from whom a sample is taken or an article is seized. Supposing a food inspector seizes an article of misbranded food from a person who does not give his correct name and address, the food inspector can arrest that man and take him to the Police Station until his correct name and address is ascertained.

Rules 8 and 9 of the Central Rules lay down the qualifications of food Inspectors and their duties. The Food Inspectors should strictly follow the instructions laid down in Part V of the Central Rules (Rules 14 to 23), while taking and sending samples for analysis.

Section 14, of this Act has now made provisions for the appointment of food inspectors for Railway premises, air ports and sea ports, in order to prevent the import and sale of adulterated or misbranded food.

10. **Powers of food inspectors :** (1) A food inspector shall have power—

(a) to take samples of any article of food from—

(i) any person selling such article ;

(ii) any person who is in the course of conveying, delivering or preparing to deliver such article to a purchaser or consignee ;

(iii) a consignee after delivery of any such article to him ; and

(b) to send such sample for analysis to the public analyst for the local area within which such sample has been taken ;

(c) with the previous approval of the health officer having jurisdiction in the local area concerned, or with the previous approval of the Food (Health) Authority, to prohibit the sale of any article of food with a view to preventing the outbreak or spread of any infectious disease.

(2) any food inspector may enter and inspect any place where any article of food is manufactured, stored or exposed for sale and take samples of such articles of food for analysis.

(3) Where any sample is taken under clause (a) of sub-section (1) or sub-section (2), its cost calculated at the rate at which the article is usually sold to the public shall be paid to the person from whom it is taken.

(4) If any article intended for food appears to any food inspector to be adulterated or misbranded, he may seize and carry away or keep in the safe custody of the vendor such article in order that it may be dealt with as hereinafter provided.

(5) The power conferred by this section includes power to break open any package in which any article of food

may be contained or to break open the door of any premises where any article of food may be kept for sale :

Provided that the power to break open the door shall be exercised only after the owner or any other person in occupation of the premises, if he is present therein, refuses to open the door on being called upon to do so :

Provided further that the food inspector shall, in exercising the powers of entry upon, and inspection of any place under this Section, follow, as far as may be, the provisions of the Code of Criminal Procedure (Act V of 1898), relating to the search or inspection of a place by a police officer executing a search warrant issued under that Code.

(6) Any material found in the possession of a manufacturer of any article of food or in any of the premises occupied by him as such and being apparently of a kind which may be employed for purposes of adulteration and for the possession of which he is unable to account to the satisfaction and the food inspector, may be seized by the food inspector and if necessary a sample of such material submitted for analysis to a public analyst.

(7) Where the food inspector takes any action under clause (a) of sub-section (1), sub-section (2), sub-section (4) or sub-section (6), he shall, as far as possible call not less than two persons to be present at the time when such action is taken and take their signatures

(8) Any food inspector may exercise the powers of a police officer under section 57 of the Code of Criminal Procedure, 1898 (Act V of 1898) for the purpose of ascertaining the true name and residence of the person from whom a sample is taken or an article of food is seized.

(2) Any food inspector exercising powers under this Act or under the rules made thereunder who—

(a) vexatiously and without any reasonable grounds of suspicion seizes any article of food ; or

(b) commits any other act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty shall be guilty of an offence under this Act and shall be punishable for such offence with fine which may extend to five hundred rupees.

NOTE :—1. This section defines the powers of food Inspectors. A food Inspector can take samples of any article of food from a person in possession of the same. The seller or buyer or any person in possession of any article of food has got to obey the directions of a food inspector. A food inspector is a public servant within the meaning of the Indian Penal Code, therefore disobedience of the food inspector's orders will entail serious consequences and make the person disobeying him or obstructing him in the discharge of his duties liable to prosecution. With the previous approval of the Health Officer or the food (Health) Authority, a food inspector can prohibit the sale of any article of food with a view to preventing the outbreak of any infectious disease. Whether an article of food is injurious to health or not, or whether an article of food agrees with the health of the person who desires to eat it is immaterial. As soon as the sale of an article of food is prohibited by a food inspector, the sale becomes illegal irrespective of other considerations.

A food inspector can enter and inspect any place where an article of food is manufactured, stored or exposed for sale. Another person would be guilty of criminal trespass, if he entered any such place without permission of the owner of the place. A food inspector can take samples of any article of food for analysis. Of course the food inspector has to pay the usual costs of the quantity of the article of food taken as samples. This provision is very fair to the holder of the articles of food. This relates to all articles of food. But if the Food Inspector is of opinion that any article of food is adulterated or misbranded, he may seize and carry away the whole of it without paying for its costs.

A food inspector has been given the powers to break open any package containing food and to break open the door of any premises where any article of food is stored or kept for sale. In exercising these powers of entry and inspection, the food inspector has to follow the provisions of the Code of Criminal Procedure (Act V of 1898) relating to the search or inspection of a place by a police officer executing a search warrant under that Code. Such provisions are contained in sections 102 and 103 of Act V of 1898, which run as under :—

102. (1) Whenever any place liable to search or inspection under this Chapter (Chapter VII dealing with processes to compel the production of documents and other moveable property, and for the discovery of persons wrongfully confined) is closed, any person residing in or being incharge of such place shall, on demand of the officer or other person executing the warrant, and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

(2) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 48.

[Section 48. If ingress to such place cannot be obtained, it shall be lawful in any case for a person acting under a warrant and in any case in which a warrant may issue, but cannot be obtained without affording the person to be arrested an opportunity of escape, for a police officer to enter such place and search therein, and in order to effect an entrance into such place, to break any outer or inner door or window of any house or place, whether that of the person to be arrested or any other person if after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance :

Provided that if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who according to custom does not appear in public such person or police Officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.]

(3) Where any person in or about such place is reasonably suspected of concealing about his person any article for which search

should be made, such person may be searched. If such person is a woman, the directions of section 52 shall be observed.

[Section 52. Whenever it is necessary to ~~examine~~ a woman to be searched, the search shall be made by another woman, with strict regard to decency.]

103. (1) Before making a search under this chapter (the same chapter VII referred to in the last chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search [and may issue an order in writing to them or any of them so to do]

(2) The search shall be made in their presence and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and seized by such witnesses ; but no person witnessing a search under this section, shall be required to attend the court as a witness of the search unless specially summoned by it.

(3) The occupant of the place searched, or some person in his behalf, shall in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witness, shall be delivered to such occupant or person at his request.

(4) When any person is searched under s 102 subsection (3), a list of all things taken possession of shall be prepared and a copy thereof shall be delivered to such person at his request.

(5) Any person who without reasonable cause, refuses or neglects to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under Section 187 of the Indian Penal Code.

Section 187 of I.P.C. Whenever, being bound by law to render furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistances shall be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both.

Subsection (6) of this section empowers the food inspector to seize any material which may be in the possession of a person for purpose of adulteration. That material may not be objectionable itself, but if the manufacturer cannot explain the presence of such material in the premises, presumption arises that it exists there for the purposes of adulteration.

The Lok Sabha has, therefore, authorised the food inspectors to seize such material and/or to take a sample for analysis.

Subsection (8) of this section provides that for the purpose of ascertaining the true name and residence of a person from whom a sample is taken or an article of food is seized a food inspector may exercise the powers of a police officer under 57 of the Code of Criminal Procedure (Act V of 1898). Section 57 of Cr. P. C. runs in this way :—

S. 57 (Cr. P. C) (1) When any person who in the presence of a police officer has committed or has been accused of committing a non-cognizable offence refuses on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that name or residence may be ascertained.

(2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a magistrate if so required :

Provided that if such person is not resident in British India, the bond shall be secured by a surety or sureties resident in British India.

(3) Should the true name and residence of such person not be ascertained within twenty four hours from the time of arrest or should he fail to execute the bond, or if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest magistrate having jurisdiction.

When such vast powers have been given to the food inspectors they have also been contained by subsection (9) that if they misuse their powers, they may be punished for such an offence with fine which may extend to five hundred rupees.

NOTE :- 2 The food inspector while taking a sample shall give to the seller according to Rule 12 of the Central Rules. (See Form VI).

Rule 22 deals with the quantity of an article for sample.

This section should be read with Part V of the Central Rules and Section 11 of this Act.

Rule 16 lays down instructions for packing and sealing of samples.

A copy of memorandum in Form VII and a specimen seal is to be sent to the Public Analyst for comparing and to ensure him that the sealed packets are actually the same and genuine ones.

Rules 19 to 22 deal with the preservation of samples of milk products.

Rule 10 deals with the seizing of adulteration and misbranded food in the very shop of the vendor.

Rule 11 deals with the seizing of food and carrying them away from the vendor's shop.

NOTE 3 :- When all the terms of one consignment of food are of the same brand, the Inspector can take a sample from any one of them and is entitled to seize the whole consignment and its forfeiture would be valid. *Sachi Nandan vs. Chairman, Distt. Board, Midnapore* A.I.R. 1946 Cal. 213 = 44 C.W.N. 173 = I.L.R. 1940 -1 Cal. 333-41 Cr. L.g. 582.

11. Procedure to be followed by food inspectors

(1) When a food inspector takes a sample of food for analysis, he shall—

(a) give notice in writing then and there of his intention to have it so analysed to the person from whom he has taken the sample : (See Form VI).

(b) except in special cases provided by rules under this Act separate the sample then and there into three parts and mark and seal or fasten up each part in such a manner as its nature permits ; and (see Rule 15)

(c) (i) deliver one of the parts to the person from whom the sample has been taken ;

(ii) send another part for analysis to the public analyst; and

(iii) retain the third part for production in case any legal proceedings are taken or for analysis by the Director of the Central Food Laboratory under sub-section (2) of section 13, as the case may be.

(2) If the person from whom the sample has been taken declines to accept one of the parts, the food inspector shall send intimation to the public analyst of such refusal and thereupon the public analyst receiving a sample for analysis shall divide it into two parts and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he delivers his report, to be delivered to the food inspector who shall retain it for production in case legal proceedings are taken.

(3) When a sample of any article of food is taken under sub-section (1) or sub-section (2) of section 10, the food inspector shall send a sample of it in accordance with the rules prescribed for sampling to the public analyst for the local area concerned.

(4) An article of food seized under sub-section (4) of section 10, shall be produced before a magistrate as soon as possible :

Provided that in the case of any article of which samples have been sent to the public analyst for analysis it may be produced on or after the receipt of the report of the public analyst :

Provided further that if an application is made to the magistrate in this behalf by the person from whom any article of food has been seized, the magistrate shall

by order in writing direct the food inspector to produce such article before him within such time as may be specified in the order.

(5) If it appears to the magistrate on taking such evidence as he may deem necessary that the article of food produced before him under sub-section (4) is adulterated he may order it—

(a) to be forfeited to the local authority, or

(b) to be destroyed at the cost of the owner or the person from whom it was seized so as to prevent its being used as human food,

(c) to be so disposed of as to prevent its being again exposed for sale or used for food under its deceptive name, or

(d) to be returned back to the owner for being sold under its appropriate name, after taking adequate guarantee from the owner.

(6) If it appears to the magistrate that any such article of food is not adulterated the person from whose possession the article was taken shall be entitled to have it restored to him and it shall be in the discretion of the magistrate to award such person from such fund as the State Government may direct in this behalf, such compensation not exceeding the actual loss which he has sustained as the magistrate may think proper.

NOTE :—1. This section prescribed the procedure to be followed by food inspectors. Subsections (1), (2) and (3) deal with a sample of food, while subsections (4), (5) and (6) deal with the seized articles of food.

If a food inspector takes a sample of food and sends it for analysis by a Public Analyst without giving the person from whom he has taken the sample a notice in writing of his intention to have it analysed, his action would be illegal. He must give such a notice then and there and divide the sample into three parts and mark and seal each and

- (i) delivered one part to the owner.
- (ii) send another part to the Public Analyst for analysis.
- (iii) and retain the third part for production in Court or analysis by the Director of the Central Food Laboratory if it becomes necessary.

whenever an article of food is seized, the same shall be produced before a magistrate by the food inspector. A person from whom an article of food has been seized, if he is so advised, may apply to the magistrate for the production of the said article before him and the magistrate shall by order in writing direct the food inspector to produce the same. This provision is meant to counteract the high-handedness of food inspectors who might seize a material without justification. The magistrates have been empowered after taking evidence and examination of the report of Public Analyst to forfeit or destroy the article of food or to return the same to the person from whom the same was seized. In case of restoration, the magistrates have been authorised by this section to grant compensation to the person who has been put to unnecessary inconvenience and harassment.

NOTE :—2. The magistrate is authorised to order destruction or other disposal of seized adulterated articles at the cost of that person only who is found to be in possession of the same at the time of the seizure. *Dr. Makhan Lal Bhowmik vs. Ram Bhakat Sharma*, A.I.R. 1953 Cal. 485, 1953 Cr. L. g. 1134.

NOTE :—3. A slight deviation from the procedure prescribed in this section is however condoned.

In *R : Ballamkonda Kanahayya* A.I.R. 1942 Mad. 609=1942—2 M.L.g. 172=43 Cr. L.g. 863.

12. Purchaser may have food analysed.—Nothing contained in this Act shall be held to prevent a purchaser of any article of food other than a food inspector from having such article analysed by the public analyst on payment of such fees as may be prescribed and from receiving from the public analyst a report of his analysis :

Provided that such purchaser shall inform the vendor at the time of purchase of his intention to have such article so analysed :

Provided further that the provisions of sub-section (1) sub-section (2) and sub-section (3) of section 11, shall as far as may be, apply to a purchaser of article of food who intends to have such article so analysed as they apply to a food inspector who takes a sample of food for analysis :

Provided also that if the report of the public analyst shows that the article of food is adulterated, the purchaser shall be entitled to get refund of the fees paid by him under this section.

NOTE :—1. This section authorises the private purchase of an article of food to take sample and have the same analysed by a Public Analyst. Whenever a purchaser suspects or has reason to believe that the article of food he is purchasing is adulterated, he need not take the help of a food inspector. He himself can give notice to the vendor of his intention to have the same analysed. If the article of food sent by a private purchaser is found on analysis to be adulterated, the fee which he has paid for such analysis will be refunded to him, and the vendor will be dealt with according to law.

NOTE :—2. Inspector can act as private individual : where the Inspector is not authorised he can send the sample to the Public Analyst as a private individual. *Mohindra Nath Bannerji vs. Jyotish Chandra*. A.I.R. 1937 Cal. 60.

13. Report of public analyst.—(1) The public analyst shall deliver, in such form as may be prescribed, a report to the food inspector of the result of the analysis of any article of food submitted to him for analysis.

(2) After the institution of a prosecution under this Act the accused vendor or the complainant may, on payment of the prescribed fee, make an application to the court for sending the part of the sample mentioned in sub-clause (i) or sub-clause (iii) of clause (c) of sub-section (1) of section 11, to the Director of the Central Food Laboratory for a certificate ; and on receipt of the application the court shall first ascertain that the mark and seal or fastening as provided in clause (b) of sub-section (1) of section 11 are intact and may then despatch the part of

the sample under its own seal to the Director of the Central Food Laboratory who shall thereupon send a certificate to the court in the prescribed form within one month from the date of receipt of the sample, specifying the result of his analysis.

(3) The certificate issued by the Director of the Central Food Laboratory under sub-section (2) shall supersede the report given by the public analyst under sub-section (1).

(4) Where a certificate obtained from the Director of the Central Food Laboratory under sub-section (2) is produced in any proceeding under this Act, or under sections 272 to 276 of the Indian Penal Code (Act XLV of 1860), it shall not be necessary in such proceeding to produce any part of the sample of food taken for analysis.

(5) Any document purporting to be a report signed by a public analyst unless it has been superseded under sub-section (3), or any document purporting to be a certificate signed by the Director of the Central Food Laboratory, may be used as evidence of the facts stated therein in any proceeding under this Act or under sections 272 to 276 of the Indian Penal Code (Act XLV of 1860) :

Provided that any document purporting to be a certificate signed by the Director of the Central Food Laboratory shall be final and conclusive evidence of the facts stated therein.

NOTE :—1. This section lays down that the report of a Public Analyst is not final. An aggrieved party may insist on a final report by the Director of the Central Food Laboratory. Of course a private person cannot directly take the certificate of the Central Food Laboratory, but he must move the Court by means of an application.

On receipt of the application the court shall send the third part of the sample to the Director of Central Food Laboratory for a certificate. This certificate shall supersede the report given by the Public

Analyst and shall be final and conclusive. No evidence in rebuttal of the certificate issued by the Director of the Central Food Laboratory is permissible. This certificate will be a good evidence in prosecutions under this Act as well as prosecutions under sections 272 to 276 of Indian Penal Code (Act XLV of 1860). This shows that side by side with the provisions of this Act, the offenders can be proceeded against under the ordinary law of the land. Sections 272 to 276 of Indian Penal Code are worded as follows :—

272. Whoever adulterates any article of food or drink so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

273. Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered or has become noxious or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

274. Whoever adulterates any drug or medical preparation, in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medical purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

275. Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medical purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

276. Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicines purposes, any drug or medical preparation, as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

NOTE :—2. Public Analyst's certificate :—The mere certificate of the Public Analyst ought not to be accepted by a magistrate unless and until the Public Analyst gives the correct data from which it can be ascertained in what respects the sample is different from the standard. *Din Dyal vs. State* 1956 Cr. L.g. 1031=1956 A. L. J. 277=1956 A. W. R. (H.C.) 207.

It is for the court to determine whether the factual data given by the Public Analyst leads to the conclusions that the sample is adulterated or not. *State vs. Natthi Lal* 1956 A. L. J. 340 *State vs. Shanti Prakash* 1957 Cr. L. g. 390=A. I. R. 1957 Punj. 56.

MISCELLANEOUS

14. Import of food and sale of food in railway and other premises:—(1) The Central Government may, by notification in the official Gazette, appoint any person to exercise the powers of a food inspector under sections 10 and 11,—

(a) at any major port, air port or land customs station in respect of any article of food which is being imported through such port or station ;

(b) in respect of any railway station or group of railway stations where food is being sold :

provided that the Central Government may, instead of making any appointment under this section, authorise any food inspector in any state in which the major port, air port or land customs station or railway station is situate to exercise such powers.

(2) Every person appointed or authorised under sub-section (1) shall be deemed to be a food inspector for the purposes of this Act.

NOTE :—2. Prosecution by a Municipal Health Officer, authorised under section 16 of the Madras Public Health Act is not valid. *Public Prosecutor v. Pannapan* (1957, Mad L J. (cr.) 513—A.I.R. 1957 Mad. 741 = 1957 cr. L J. 1293 (1) = 1957 Ker. L.T. 957.

- 15. Notification of food poisoning.**—The State Government may, by notification in the Official Gazette, require medical practitioners carrying on their profession in any local area specified in the notification to report all occurrences of food poisoning coming within their cognizance to such officer as may be specified in the notification.

NOTE :—1. This section provides that the State Government can require medical practitioners to report all occurrences of food poisoning coming to their notice to particular officer. However, no penalty has been prescribed for disobedience of this requirement by the Act. A legal practitioner disobeying this direction can be dealt with under the ordinary law under s. 176 I.P.C which runs thus :—

176. Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law, shall be punished with simple imprisonment for a term which may extend to one month, or with fine, which may extend to five hundred rupees, or with both ;

or, if the notice or information required to be given respects the Commission of an offence, or is required for the purpose of preventing the Commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

Notification U. P. Government Gazette, Part I, Page 246, dated February 18, 1956, whereby medical practitioners have been required to notify cases of food poisoning may be seen under the discussion over this section.

- 16. Penalties.**—(1) If any person—

(a) whether by himself or by any person on his behalf imports into India or manufactures for sale, or stores,

sells or distributes, any article of food in contravention of any of the provisions of this Act, or of any rule made thereunder, or

(b) prevents a food inspector from taking a sample as authorised by this Act, or

(c) prevents a food inspector from exercising any other power conferred on him by or under this Act, or

(d) being a manufacturer of an article of food, has in his possession, or in any of the premises occupied by him, any material which may be employed for the purpose of adulteration, or

(e) being a person in whose safe custody any article of food has been kept under sub-section (4) of section 10, tampers or in any other manner interferes with such article, or

(f) uses any report or certificate of a test or analysis made by the Director of the Central Food Laboratory, or by a public analyst or any extract thereof for the purpose of advertising any article of food, or

g whether by himself or by any person on his behalf gives to the purchaser a false warranty in writing in respect of any article of food sold by him, he shall, in addition to the penalty to which he may be liable under the provision of section 6, be punishable -

(i) for the first offence, with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both ;

(ii) for a second offence with imprisonment for a term which may extend to two years and with fine :

Provided that in the absence of special and adequate reason to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than one year and such fine shall not be less than two thousand rupees ;

(iii) for a third and subsequent offences, with imprisonment for a term which may extend to four years and with fine :

provided that in the absence of special and adequate reasons to the contrary to be mentioned in the judgment of the court, such imprisonment shall not be less than two years and such fine shall not be less than three thousand rupees.

(2) If any person convicted of an offence under this Act commits a like offence afterwards it shall be lawful for the court before which the second or subsequent conviction takes place to cause the offender's name and place of residence, the offence and the penalty imposed to be published at the offender's expense in such newspapers or in such other manner as the court may direct. The expenses of such publication shall be deemed to be part of the cost attending the conviction and shall be recoverable in the same manner as a fine.

NOTE :—1. This section enumerates the various offences under this Act and prescribes the penalties. Penalties prescribed for the offences against the new food law are much heavier than those under the old laws and bye laws that were in force in various states prior to the passing of this Act. Section 27 of the Punjab Pure Food Rules, 1930 that was prevalent in the Delhi State as well prescribed the penalties for the offences against the food rules. That rule ran under :—

27. Whoever commits a breach of the provisions of these rules shall be punished :—

(a) in the case of a first offence with a fine which may extend to two hundred and fifty rupees, and

(b) in the case of a second offence with a fine not exceeding five hundred rupees, and

(c) in the case of a subsequent offence with a fine not exceeding one thousand rupees, or, if in the opinion of the Court the offence was committed by the personal act, default or culpable negligence of the person accused and the court is of opinion

that a fine will not meet the circumstances of the case, with imprisonment of either description which may extend to six months or with both.

The comparison of this provision with the section 16 of this Act will show how the penalties have been enhanced. Under the old law imprisonment could not be awarded except in special circumstances and that, too, for a third offence. The first two offences by a person could always keep him away from jail. However under the present Act a sentence of imprisonment for a year can be given even for a first offence in addition to fine.

Para (f) of subsection (1) of this section provides that the report of a public Analyst or the certificate of the Director of the Central Food Laboratory shall not be used for the purpose of advertising any article of food and Para (g) provides that no false warranty shall be given to the purchaser in writing in report of any article of food. These two provisions do not directly relate to offences of adulteration or misbranding, but they tend to keep fraud away from the food market.

For a second offence under this Act, imprisonment is compulsory and unless special and adequate reasons are given in the judgment, the imprisonment cannot be less than one year and fine not less than Rs. 2,000 and for a subsequent offence imprisonment not less than 2 years and fine not less than Rs. 3,000.

Another important penalty that has been prescribed is that in case of a second or subsequent conviction the court can cause the offender's name and place of residence published at the offender's expense in a newspaper and recover the costs of such publication from the offender in the manner of recovering fine.

NOTE :—2. Refusal to give sample : Refusal to give the sample even on payment is not the same thing as prevention which need not have an element of physical obstruction but involves some act which hinders an Inspector from taking a sample. (1851) 17 Q. B. 127. A dissenting view to the above is expressed in *Bishan Dass Telu Ram vs. State* A.I.R. 1957 Panj 99 = 1957 Cr. L. J. 656.

In *Public Prosecutor vs. Murugesan* A. I. R. 1954 Mad. 199 = 1954 Cr. L. J. 197 the meaning of the word 'Prevent, had been discussed. Where an accused person did not give sample to the Inspector, but

handed over the same to a customer who poured it in another pan in which milk was boiling. Held that it was sufficient to establish the offence of preventing. No further overt act was necessary. To require a physical clash or effective disabling of the Inspector was "a very dangerous extension of the plain meaning of the word 'Prevent'".

NOTE —3. who is liable for an offence under this act see notes under section 7.

- 17. Offences by companies** —(1) where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company, for the conduct of, the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation — For the purposes of this section —

(a) "company" means any body corporate, and includes a firm or other association of individuals and

(b) "director" in relation to a firm means a partner in the firm.

NOTE:— This section provides that in the case of a company, all directors, managers, secretary or other officers are guilty of the offence under this Act, unless they prove satisfactorily that the offence was committed without their knowledge and that they exercised all due diligence to prevent the commission of such offence.

When the offence against the company is established, the burden of proving that they are innocent shifts from the prosecution and lies on the accused. Similarly if one partner of a firm commits an offence under this Act, other partners run the risk of going to jail, if they are not careful enough to prevent the commission of such offence.

- 18. Forfeiture of property.**—Where any person has been convicted under this Act for the contravention of any of the provisions of this Act or of any rule thereunder, the article of food in respect of which the contravention has been committed may be forfeited to the government.

NOTE:—In addition to fine, imprisonment and publication of the name, the offenders against the food law have also to be deprived of the entire quantity of food in respect of which any offence is committed, because the same may be forfeited in the Government.

- 19. Defences which may or may not be allowed in prosecutions under this Act.**—(1) It shall be no defence in a prosecution for an offence pertaining to the sale of any adulterated or misbranded article of food to allege merely that the vendor was ignorant of the nature, substance or quality of the food sold by him or that the purchaser having purchased any article for analysis was not prejudiced by the sale.

(2) A vendor shall not be deemed to have committed an offence if he proves—

(i) that the article of food was purchased by him as the same in nature, substance and quality as that demanded by the purchaser and with a written warranty in the prescribed form, if any, to the effect that it was of such nature, substance and quality;

(ii) that he had no reason to believe at the time when he sold it that the food was not of such nature, substance and quality ; and

(iii) that he sold it in the same state as he purchased it :

Provided that such a defence shall be open to the vendor only if he has, submitted to the food inspector or the local authority a copy of the warranty with a written notice stating that he intends to rely on it and specifying the name and address of the person from whom he received it, and has also sent a like notice of his intention to that person :

Provided further that the warranty given by a person resident in any area in which this Act is not in force, shall be a defence to the vendor only if the vendor proves to the satisfaction of the court that he had taken reasonable steps to ascertain and did in fact believe, in the accuracy of the statement contained in the warranty.

(3) Any person by whom a warranty as is referred to in sub-section (2), is alleged to have been given shall be entitled to appear at the hearing and give evidence.

NOTE :—1. This section provides that ignorance of the quality of food will not be held as an excuse for its sale. Nothing but a written warranty from the previous vendor can save the seller of an objectionable article of food.

NOTE :—2. What is Warranty : In *Pancham Ram vs. Emp.* A I. R. 1938 All. 535=1938 A.L.J. 780=1938 A.W.R. 490=I.L.R. 1938 All. 797=177 Ind. Cas 704=39 Cr. L. J. 959, it was held that a printed line on a cash voucher issued by the wholesaler describing the quality of an article of food does not amount to a written warranty.

A label or cash bill is not warranty. *Public Prosecutor vs. Vankadari Naga P. Chetty* A.I.R. 1946 Mad. 414=1946-1 M.W.N. 461=47 Cr. L. J. 869.

An invoice is not a warranty. *State vs. Balmukand* A.I.R. 1954. All. 97=1953 A. L. J. 499=1953 A. W. R. (H.C.) 533=1954 Cr. L.J. 165.

NOTE :—3. Rule 12-A of the Central Rules prescribes the form of warranty.

A warranty must be proved by the personal attendance in court of the person by whom or on whose behalf it was given *Girdhari Lal Mohan Ji vs. Emp.* A.I.R. 1938 Sind 72=174 Ind. Cas. 542=39 Cr. L. J. 477.

20. Cognizance and trial of offences.—(1) No prosecution for an offence under this Act shall be instituted except by, or with the written consent of, the State Government or a local authority or a person authorised in this behalf by the State Government or a local authority :

Provided that a prosecution for an offence under this Act may be instituted by a purchaser referred to in section 12, if he produces in court a copy of the report of the public analyst along with the complaint.

(2) No court inferior to that of a Presidency magistrate or a magistrate of the first class shall try any offence under this Act.

NOTE :—1. Authority to launch prosecutions. Prosecution launched by Assistant Medical officer is illegal *State vs. Mool Chand* A.I.R. 1957 All. 343 (1)=1957 Cr. L. J. 615.

21. Magistrate's power to impose enhanced penalties :—Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 (Act V of 1898), it shall be lawful for any Presidency magistrate or any magistrate of the first class to pass any sentence authorised by this Act, in excess of his power under section 32 of the said Code.

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NOTE :—Usually a magistrate of the first class can pass a sentence of imprisonment for a term not exceeding two years and fine not exceeding two thousand rupees. However, under the present Act the maximum penalty provided is imprisonment for a term which may extend to 4 years and fine up to Rs. 3000. In spite of this all first class magistrates have been authorised to try these offences. It has, therefore, provided in section 21 of the Act that it shall be lawful for a first class magistrate to pass any sentence of imprisonment allowed by this Act i.e., imprisonment which may extend to four years and unlimited fine, which in certain cases may be not less than Rs. 3000.

22. Protection of action taken in good faith.—

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

NOTE :—By this section, all food inspectors and other functionaries under the Act have been protected from prosecutions and under harassment in respect of Acts done by them in the lawful discharge of their duties in good faith.

Where a Food Inspector acts vexatiously or maliciously, action can be taken against him under section 10 (9).

23. Power of the Central Government to mark rules. (1) The Central Government may, after consultation with the Committee and subject to the condition of previous publication, make rules—

(a) specifying the articles of food or classes of food for the import of which a licence is required and prescribing the form and conditions of such licence, the authority empowered to issue the same and the fees payable therefor ;

NOTE :—Ministry of Health has added an explanatory memorandum regarding proposals for subordinate legislation regarding this sub-clause, it states as under :—

The articles of food or classes of food for the import of which license is required have to be determined by Government from time

to time. A complete and exhaustive list of all articles of food which may need some sort of import control cannot be drawn up with certainty at present as the matter requires detailed examination of a number of factors involved. The import of foods, mostly processed foods, will depend on the food situation in the country and the quality of products available in the overseas market. It will be necessary to lay down specifications of processed food like breakfast foods, cereals, preserved fruits, jellies, jams, cream or dairy products in order to prevent the entry of products of inferior quality into the country.

(b) defining the standards of quality for, and fixing the limits of variability permissible in respect of, any article of food ;

NOTE :— Regarding this the ministry of Health says :—

Standards of quality may have to be defined for certain foods for detecting adulteration. To prescribe in the Bill itself definitions for each item of food, such as, milk, butter, ghee, gingelly oil, ice cream etc. and their standards, even if necessary, would have been inelegant and would have involved Parliament into an unnecessary examination of the minor technical details involved in such definitions.

(c) laying down special provisions for imposing rigorous control over the production, distribution and sale of any article or class of articles of food which the Central Government may, by notification in the official Gazette, specify in this behalf including registration of the premises where they are manufactured, maintenance of the premises in a sanitary condition and maintenance of the healthy state of human beings associated with the production, distribution and sale of such article or class of articles ;

(d) restricting the packing and labelling of any article of food and the design of any such package or label with a view to preventing the public or the purchaser being deceived or misled as to the character, quality or quantity of the article ;

NOTE :—Regarding the sub-clauses (c) and (d) the Health Ministry says :—

The powers contemplated in the sub-clauses are in relation to matters of detail the incorporation of which in the main Act would have unnecessarily increased the bulk of the enactment.

(e) defining the qualification, powers and duties of food inspectors and public analysts ;

NOTE :—Regarding this sub-clause the Health Ministry says :—

It is not possible to define fully the powers and duties of food inspectors and public analysts because they might in matters of details between one local authority and another, or between one State and another. In a small municipality, the duties of the food inspector may be entrusted to the Sanitary Inspector or the official in charge of birth and death register whereas in a big municipal corporation, these duties may be entrusted to a medical man. Similarly the duties and qualifications of public Analysts may differ in different states. These differences are of a minor nature and do not affect the general principles embodied in the Bill.

(f) prohibiting the sale or defining the conditions of sale of any substance which may be injurious to health when used as food or restricting in any manner its use as an ingredient in the manufacture of any article of food or regulating by the issue of licences the manufacture or sale of any article of food ;

(g) defining the conditions of sale or conditions for licence of sale of any article of food in the interest of public health ;

(h) specifying the manner in which containers for samples of food purchased for analysis shall be sealed up or fastened up ;

NOTE :—Regarding subclauses (f), (g), (h) and (n) below the Health Ministry says :—

The provisions in these sub-clauses relate to matters of technical and administrative details which might well be left to Government to settle.

(i) specifying a list of permissible preservatives, other than common salt and sugar, which alone shall be used in preserved fruits, vegetable or their products or any other article of food as well as the maximum amounts of each preservative ;

(j) specifying the colouring matter and the maximum quantities thereof which may be used in any article of food ;

NOTE :—Regarding sub-clauses (i) and (j) the Health Ministry says :—

With the rapid development of scientific technology the views on preservatives may undergo constant changes in the light of developing knowledge. Similarly, quite a number of flavouring and colouring matters have already been introduced and some others are in the offing. Consequently, powers in this behalf should be sufficiently flexible.

(k) providing for the exemption from this Act or of any requirements contained therein and subject to such conditions, if any, as may be specified, of any article or class of articles of food ;

(l) prohibiting or regulating the manufacture, transport or sale of any article known to be used as an adulterant of food

(m) prohibiting or regulating—

(i) the addition of any water, or other diluent or adulterant to any article of food ;

(ii) the abstraction of any ingredient from any article of food ;

(iii) the sale of any article of food to which such addition or from which such abstraction has been made or which has been otherwise artificially treated ;

(iv) the mixing of two or more articles of food which are similar in nature or appearance ;

NOTE :—Regarding sub-clauses (k), (l), and (m) the Health Ministry says :—

The matters within these sub-clauses relate either to administrative details or have to be reviewed from time to time on the advice of the experts and rules regarding them are unsuitable for inclusion in the main legislation.

(n) providing for the destruction of such articles of food as are not in accordance with the provisions of this Act or of the rules made thereunder.

(2) All rules made by the Central Government under this Act shall, as soon as possible after they are made, be laid before both Houses of Parliament.

24. Power of the State Government to make rules :—

(1) The State Government may, after consultation with the Committee and subject to the condition of previous publication, make rules for the purpose of giving effect to the provisions of this Act in matters not falling within the purview of section 23.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may.

(a) define the powers and duties of the Food (Health) Authority and local authority and jurisdiction of food inspectors and public analysts ;

(b) prescribe the forms of licences for the manufacture for sale, for the storage, for the sale and for the distribution of articles of food or any specified articles of food or class of articles of food, the form of application for such

licences, the condition subject to which such licences may be issued, the authority empowered to issue the same and the fees payable therefor ;

(c) direct a fee to be paid for analysing any article of food or for any matter for which a fee may be prescribed under this Act ;

(d) direct that the whole or any part of the fines imposed under this Act shall be paid to a local authority on realisation ;

(e) provide for the delegation of the powers and functions conferred by this Act on the State Government or the food (Health) Authority to subordinate authorities or to local authorities.

(3) All rules made by the State Governments under this Act, shall as soon as possible, after they are made, be laid before the State Legislatures.

NOTE :—The various provisions of this clause empower the state Governments to make rules respecting minor administrative matters.

Sub-section (2) in s. 23 and sub section (3) in s. 24 do not mean that so long as the Rules are not laid before the two houses of the Parliament (or the state Legislature), they are not in operation. They came into operation as soon as they were made and published. *Shamsul Hasan vs. state of U. P.* 1956 A. L. J. 244.

When rules are made under authority conferred by a statute, they are deemed to be part of the statute itself and they have the same force and effect as if their provisions were included in the statute *A. I. R.* 1946 Cal. 197.

25. Repeal or Saving ;—(1) If immediately before the commencement of this Act, there is in force in any State to which this Act extends any law corresponding to this Act, that corresponding law shall upon such commencement stand repealed.

(2) Notwithstanding the repeal by this Act of any corresponding law all rules, regulations and bye-laws relating to the prevention of adulteration of food, made under such corresponding law and in force immediately before the commencement of this Act shall, except where and so far as they are inconsistent with or repugnant to the provisions of this Act, continue in force until altered, amended or repealed by rules made under this Act.

NOTE :—1. The wording of sub section (1) do not mean that this Act has a retrospective effect. See *Basant Singh Vs. Ram Pal Singh* 1919 Oudh 217. Also see section 6 of the General clauses Act.

Also see *state vs. Mool Chand A. I. R. 1957 All 343 (1)=1957 cr. L. g. 615.*

NOTE :—2. Section 25 (2) of this Act saves all rules, regulations and bye-laws relating to the Prevention of Adulteration of food made prior to the coming into force of that Act and which were in force in so far as they are not in consistent with or repugnant to the provisions of that Act. The prior rules under section 20 of the Madras Act III of 1918 must be considered to be in force under the Act till they are replaced by other rules. *Public Prosecutor vs. Palaniappan A. I. R. 1957 Mad. 736=1957 cr. L. g. 1294=1957 Mad L. J (cr.) 648.*

THE PREVENTION OF FOOD ADULTERATION RULES, 1955

The Prevention of Food Adulteration Act (No. 37 of 1954) is a Central Act *i.e.* an Act promulgated and enforced by the Central Government of India. The Rule making power under the Act, however is exercisable separately both by the Central Government of India and the various State Governments under Sections 4, 23 and 24 respectively of the said Act. The Rules framed from time to time under S.H. 4 and S. 23 of this Act by the Central Government are to bind all State Governments of the Indian Union. The Rules framed from time to time under S. 24 of this Act by the Rule making body of any particular State shall have force within the territories of that State alone. The "subjects" with regard to which and the conditions under which these Rules can be made have been indicated and defined in the said Sections of the Act. The Rules which are given below have been framed 'in exercise of the powers conferred by sub-section (2) of S. 4 and sub-section (1) of S. 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) by the Central Government, after consultation with the Central Committee for food standards ; the same having been previously published as required by sub-section (1) of S. 23 of the said Act."—vide Notification S.R.O. 2106 of 12th September 1955 of the Ministry of Health Central Government.

PART I—Preliminary

1. **Short title, extent and commencement.—**
(1) These rules may be called the PREVENTION OF FOOD ADULTERATION RULES, 1955.

2) They extend to the whole of India except the State of Jammu and Kashmir.

(3) The rules other than those contained in Part III—Appendix 'B'—item A. 12 Margarine, Part VI and Part VII shall come into force on the date of their publication in the official Gazette, the rules contained in Part III—Appendix 'B'—item A. 12 Margarine shall come into force on the first day of June, into force on (the first day of Oct. 1956.)

NOTE :—The Prevention of Food Adulteration Act (No. 37 of 1954) does not extend to the State of Jammu and Kashmir vide sub-section (2) of S.I. of the said Act. Consequently the Rules framed under the said Act have been declared by sub-rule (2) of Rule 1 above as not extending to the territories of Jammu and Kashmir State.

Part VI of these Rules relates to the use of "colouring matters" to colour up the various kinds of foodstuffs either for the purposes of show or of separate identification. Part VII of these Rules relates to "packing and labelling" of the various kinds of foodstuffs. Certain kinds of foodstuffs if not properly packed are liable to get deteriorated state and consequently harmful for human consumption. The requirement of proper labelling is for declaring the quality of food and its ingredients etc. Part VI and VII of these Rules are to "come in force on the first day of March 1956"; but the rest of the Rules are to come in force immediately on their publication. These Rules were published in "The Gazette of India Extraordinary" of 24th September 1955. Hence these Rules with the exceptions noted above are in force from 24th of September 1955.

The object of the Rules is to lay down procedure in detail for carrying out the purpose of the provisions of the Act under which they are promulgated. The Rules if they overstep *i.e.*, go beyond the provisions of an Act, become "ultra vires" of the provisions of that Act and hence invalid and unenforceable. The Rule-making bodies have therefore to confine themselves strictly to categories of the subjects with regard to which the Rules are to be framed.

The categories of subjects upon which Rules can be framed by the State Governments under S. 24 of the Act are distinct from the subjects regarding which the Central Government can exercise its

Rule making powers under S. 4 and 23 of the said Act. This is most beneficial as it must avoid needless overlapping of the Rules and further in making their application clear under all circumstances. Before this Act (No. 37 of 1954) came into force the various States of the Indian Union had their separate Acts upon this subject. The passing of this Act of the Central Legislature has made the Law relating to the "Prevention of Food Adulteration" uniform throughout India. The framing of the Rules under the said Act by the Central Government shall have the further effect of making these Rules uniform throughout the country to a very large extent.

2. Definitions.—In these rules, unless the context otherwise requires—

- (a) "Act" means the Prevention of Food Adulteration Act, 1954 (37 of 1954).
- (b) "Director" means the Director of Laboratory.
- (c) "Laboratory" means the Central Food Laboratory.
- (d) "Form" means a Form set forth in Appendix A to these rules.

NOTE :—When reference is made in these Rules to "The Prevention of Food Adulteration Act, 1954 (Act No. 37 of 1954)," it is simply referred to as the "Act." Section 4, of the Act makes provision for the establishment of the Central Food Laboratory—for food testing. The term "Director" where it occurs in these Rules shall be deemed to refer to the Director of the Laboratory aforementioned. The word "Laboratory" wherever it occurs in these Rules is to be construed as referring to the "Central Food Laboratory." The Act as well as the Rules thereunder necessitate the use of "certain forms" for carrying out the provisions of this Act. These "Forms" have been given in "Appendix A" to these Rules. Hence, any reference to the word Form shall mean a form contained in "Appendix A" to these Rules.

PART II—The Central Food Laboratory

3. Functions.—In addition to the functions entrusted to the Laboratory by the Act, the Laboratory shall carry out the following functions, namely :—

- (a) analysis of samples of food sent by any officer or authority authorized by the Central Government

for the purpose and submission of the certificate of analysis to the authorities concerned.

- (b) investigations for the purpose of fixation of standards of any articles of food ;
- (c) investigations in collaboration with the laboratories of Public Analysis in the various States for the purpose of standardizing methods of analysis.

NOTE : -The functions assigned to the Central Food Laboratory by Rule 3 are "in addition to the functions entrusted to the Laboratory by the Act". Under this Rule the Laboratory *shall* have (1) to analyse food samples sent by any officer or authority authorised by the Central Government and submit a certificate of analysis.

(2) To make investigations for the purpose of fixing food standards. The prevalent food standards for certain articles are given in Appendix B and,

(3) To collaborate with the Public Analysis in the various States in order to fix upon certain standard and uniform methods of Food Testing to avoid even any slight discrepancies in the results in the testing of the same samples of food at different places. This third function must lead to successive progress in the domain of food research because it provides for collaboration by experts.

4. Analysis of food samples. -(1) Samples of food for analysis whether under sub-section (2) of section 13 of the Act or under clause (a) of rule 3 shall be sent either through a messenger or by registered post in a sealed packet enclosed together with a memorandum in Form I in an outer cover addressed to the Director.

(2) The container as well as the outer covering of the packet shall be marked with a distinguishing number.

(3) A copy of the memorandum and a specimen impression of the seal used to seal the container and the cover shall be sent separately by registered post to the Director.

(4) On receipt of the packet, it shall be opened either by the Director or by an officer authorized in writing in that behalf by the Director, who shall record the condition of the seal on the container.

(5) After test or analysis, the certificate thereof shall be supplied forthwith to the sender in Form II.

(6) The fees payable in respect of such a certificate shall be Rs. 40 per sample of food analysed.

(7) Certificates issued under these rules by the Laboratory shall be signed by the Director.

NOTE :—Primarily it is the function or duty of the public Analyst for the area concerned to make a report on the food samples submitted to him for Analysis by the Food Inspectors from that area. The public Analyst prepares his report on the food sample so submitted and that report can be used as evidence in proceeding under this Act or in proceedings under S. 272, 276 of the Indian Penal Code. If, however, the accused or the prosecutor in any proceedings wish to have any sample of food tested by the Director of the Central Food Laboratory they can under the provisions of S 13 of this Act apply in that behalf and deposit the fee fixed therefor by the Central Government. Whereas the report of the Analyst about a food sample can be used as evidence in a case, it is not final and *conclusive* evidence of the facts contained therein. The *certificate* granted by the Director, however, is under the provisions of S. 13 of the Act final and conclusive evidence of the matters it contains. The use of the words "final and conclusive" is rather unhappy because the Indian Evidence Act (1 of 1872) uses the term "irrebuttable evidence" with regard to such certificates of proof. Both S. 13 of the Act and this Rule (*i.e.*, Rule 4) provide that the certificate granted by the Director with regard to any food sample etc. to be in order must be signed by him.

PART III—Definitions and Standards of Quality

5. Standards of quality of the various articles of food specified in Appendix B to these rules are as defined in that appendix.

NOTE :— In Appendix B 15 articles of food have been mentioned showing their Standard of Quality required under this Act. Some of these articles have slightly different varieties which have been detailed into the subheadings there-under. The total number of the articles thus mentioned is 53.

PART IV—Public Analysts and Food Inspectors

6. Qualifications of public analysts.—A person shall not be qualified for appointment as public analyst unless he—

(i) is a graduate with chemistry as one of the subjects, of a University recognised for this purpose by the State Government and has had not less than five years' post-graduate experience in the analysis of food in a laboratory under the control of—

- (a) a public analyst appointed under the Act, or
- (b) a chemical examiner to Government, or
- (c) a Fellow of the Royal Institute of Chemistry of Great Britain (Branch E), or
- (d) the head of an institution specially approved for the purpose by the State Government ; or

(ii) is an M.Sc. in chemistry, or holds a research degree on the subject, of a University recognised, for this purpose by the State Government, and has had not less than two years post-graduate experience in the analysis of articles of food under the control of

- (a) public analyst appointed under the Act, or
- (b) a chemical examiner to Government, or
- (c) a Fellow of the Royal Institute of Chemistry of Great Britain (Branch E), or
- (d) the head of an institution specially approved for the purpose by the State Government ; or

(iii) is a graduate in medicine of a University recognized for the purpose by the State Government with a post-graduate qualification in Public Health and with experience in food analysis for at least five years ; or

(iv) is a Fellow of the Royal Institute of Chemistry of Great Britain (Branch E) with at least one year's experience of food analysis in India :

Provided that for a period of four years from the commencement of the Act, persons whose qualifications, training and experience are regarded by the State Government as affording, subject to such further training, if any, as may be considered necessary, a reasonable guarantee of adequate knowledge and competence may be appointed as public analysts.

NOTE : —The requisite qualifications for the post of a public Analyst are detailed in this Rule. For the first four years from the coming in force of this Act the State Governments can appoint any person to the post of a public Analyst whose qualifications they regard as affording reasonable guarantee of adequate knowledge and competence for this post and can also make such appointment subject to further training. After that period persons who hold the degree of B. Sc. Chemistry M. Sc. Chemistry M.B.B.S. with Public Health course etc. shall alone be eligible for such appointments. The candidate must in all cases hold a degree from such university as is recognised by the State wherein appointment is sought. All the Indian States as well as the Central Government have lists of such universities local and foreign whose degrees they recognise Science graduates. M Sc.'s and M.B.B.S. of such universities shall alone be eligible for appointments subject also to the other conditions of practical training etc. etc. detailed in this Rule.

7. Duties of public Analyst. —(1) On receipt of a package containing a sample for analysis from a Food Inspector or any other person the public Analyst or an Officer authorised by him shall compare the seals on the container and the outer cover with specimen impression received separately and shall note the condition of the seals there on.

(2) The public Analyst shall cause to be analysed such samples of articles of food as may be sent to him by food inspector or by any other person under the Act.

(3) After the analysis has been completed he shall forthwith supply to the person concerned a report in Form III of the result of such analysis.

NOTE :—Under this Rule the public Analyst is to be careful in the matter of examining the seals etc. on the parcels to see that they are in tact and to prevent the various samples getting mixed up later on. Then he is to get the sample tested in his Laboratory and to draw out a report of his analysis in Form III given in Appendix A to these Rules.

8. Qualifications of a food inspector. A person shall not be qualified for appointment as food inspector unless he—

(i) is a medical officer in charge of the health administration of a local area, or

(ii) is a graduate in medicine, or a licentiate in medicine, or

(iii) is a holder of qualification in sanitary science registrable as an additional qualification by the State Medical Council, or Health Officers Examination certificate, or possesses qualifications prescribed by the respective State Governments for appointment of sanitary inspectors or health inspectors :

Provided that for a period of four years from the date on which the Act takes effect, persons whose qualifications, training and experience are regarded by the State Government as affording, subject to such further training, if any, as may be considered necessary, a reasonable guarantee of adequate knowledge and competence may be appointed as food inspectors.

NOTE :—Rule 8 deals with the requisite qualifications which are required for appointment to the post of a Food Inspector under this Act. The qualifications are to be a Medical Officer incharge of health in a local

area is to hold a degree of a graduate in Medicine or a licentiate in Medicine. A person holding qualification in Sanitary Science registrable as an additional qualification with the States Medical Council or hold a health officer's certificate. Further the state holds power to prescribe that person eligible in the State for appointment as Sanitary Inspectors or Health Inspectors can hold this job. For the first four years the State can as under Rule 6 appoint any person whom they consider reasonably qualified for the job subject to condition of further training etc. etc. as they may consider necessary.

9. Duties of food inspectors.—It shall be the duty of the food inspector—

(a) to inspect as frequently as may be prescribed by the Food (Health) Authority or the local authority all establishments licensed for the manufacture, storage or sale of an article of food within the area assigned to him;

(b) to satisfy himself that the conditions of the licences are being observed ;

(c) to procure and send for analysis, if necessary, samples of any articles of food which he has reason to suspect are being manufactured, stocked or sold or exhibited for sale in contravention of the provisions of the Act or rules thereunder ;

(d) to investigate any complaint which may be made to him in writing in respect of any contravention of the provisions of the Act, or rules framed thereunder ;

(e) to maintain a record of all inspections made and action taken by him in the performance of his duties, including the taking of samples and the seizure of stocks, and to submit copies of such record to the health officer of the Food (Health) Authority as directed in this behalf ;

(f) to make such enquiries and inspections as may be necessary to detect the manufacture, storage or sale of

articles of food in contravention of the Act or rules framed there-under ;

- (g) to stop any vehicle suspected to contain any food intended for sale or delivery for human consumption ;
- (h) when so authorised by the health officer having jurisdiction in the local area concerned or the Food (Health) Authority, to detain imported packages which he has reason to suspect contain food, the import or sale of which is prohibited, and
- (i) to perform such other duties as may be entrusted to him by the health officer having jurisdiction in the local area concerned or the Food (Health) Authority.

NOTE :—The Food Inspector is the most important officer under this Act, in as far as it relates to the carrying out of its provisions. His duties are detailed in this Rule most clearly and need no comment. When authorised by the Health Officer or the Food Health Authority of his local area he can detain any *imported packages* which he *has reason to suspect* contain food the sale of which is prohibited ; and to perform such other duties which may be entrusted to him by the Health Officer of his local area or the Food (Health) Authority. These two sub-rules (h) and (i) give vast powers to the Food Inspectors. Sub-rule (i) deals with the *entrusting* of powers to the Food Inspector which are so far undefined. This provision also shows that the rule is not *exhaustive*.

- 10. Form of order not to dispose of stock.**—Where the food inspector decides to keep under sub-section (4) of Section 10 of the Act in the safe custody of the vendor any stock of food which appears to him to be adulterated or misbranded, he shall after sealing the stock make an order to the vendor to that effect in Form IV ; and the vendor shall comply with such order.

NOTE :—Section 10 of the “Act” deals with the *powers of Food Inspectors*. “Rule” 10 above detailed mentions the mode of the exercise of those powers under sub-section (4) of S. 10. Under this Rule when it might appear to the Food Inspector that any stock of food is *adulterated or misbranded* and if he does not under S. 10 (4) seize it and take it away, he can *prohibit* the Vendor or stockist etc. to withhold such stock from sale by sealing up the stock and delivering to the vendor an order made out in Form IV appended to these Rules.

11. Form of receipt for food seized by a food inspector.

For every article of food seized and carried away by a food inspector under sub-section (4) of Section 10 of the Act, a receipt in Form V shall be given by the food inspector to the person from whom the article was seized.

NOTE :—If in the exercise of his powers under sub-section (4) of S 10, any Food Inspector seizes the goods of a vendor he shall deliver to the vendor under this Rule a Receipt in Form V for the said goods.

12. Form of intimation of purpose of taking sample.—

Where a food inspector takes a sample of an article of food for the purpose of analysis, he shall intimate such purpose in writing in Form VI to the person from whom he takes the sample.

12-A, Warranty.—Every trader selling an article of food to a vendor shall, if the vendor so requires, deliver to the vendor a Warranty in Form VI-A ;

Provided that no warranty in such form shall be necessary if the label on the article of food or the cash memo delivered by the trader to the vendor in respect of that article contains a Warranty certifying that the food contained in the package or container or mentioned in the cash memo, is the same in nature, substance and quality as demanded by the vendor.

NOTE :—Taking of samples of suspected food for Analysis is the most ordinary duty of a Food Inspector. A Food Inspector when taking samples for Analysis should in writing intimate such purpose to the vendor by handing him Form VI duly filled up.

Explanation.—The term 'trader' shall mean an importer, manufacturer, wholesale dealer.

- 13. Power of food inspector to deal with carriers of disease handling food.**—(1) Where the food inspector is of the opinion that any person engaged in selling or manufacturing any article of food is suffering from or harbouring the germs of any infectious disease, he may examine or cause to be examined such person.

Provided that where such person is a female above the age of eight years she shall be examined by a woman duly authorized by the food inspector.

(2) If on such examination the food inspector finds that such person is suffering from any such disease, he may by order in writing direct such person not to take part in selling or manufacturing any article of food.

NOTE—A person is engaged in selling or in manufacturing some article of food. The Food Inspector is of the *opinion* that such a person is suffering from some infectious disease or is harbouring the germs of any such disease. The Food Inspector can examine such person or get him examined (medically) by virtue of his powers under this Rule. If the vendor or manufacturer is a female above 8 years of age she shall have to be examined by some other female and not by a male person.

PART V—Sealing, Fastening and Despatch of Samples

- 14. Manner of sending samples for analysis.**—Samples of food for the purpose of analysis shall be taken in clean, dry bottles or jars or in other suitable containers which shall be closed sufficiently tight to prevent leakage, evaporation, or in the case of dry substance, entrance of moisture, and shall be carefully sealed.
- 15. Bottles or containers to be labelled and addressed.**—All bottles or jars or other containers containing samples for analysis shall be properly labelled and the parcels shall

be properly addressed. The label on any sample of food sent for analysis shall bear—

- (a) Serial No.
- (b) Name of the sender with official designation, if any.
- (c) Name of the vendor.
- (d) Date and place of collection.
- (e) Nature of article submitted for analysis.
- (f) Nature and quantity of preservative, if any, added to the sample.

NOTE :— This Rule specifies the details to be entered upon the samples of food taken for Analysis. Under para (f) if some preservative is added to the sample of food in order to avoid its getting deteriorated; quantity of such preservative added to the sample must be mentioned thereon. The law permits the adding of preservatives to certain food articles up to a certain definite quantity. If that quantity is exceeded the vendor or manufacturer becomes liable under the law. So in case the same preservative is added by the Food Inspector and the quantity added is not mentioned on the sample the vendor or manufacturer as the case might be incurs liability without any fault of his.

16. Manner of Packing and sealing the samples.—All samples of food sent for analysis shall be packed, fastened and sealed in the following manner, namely ;—

- (a) The stopper shall first be securely, fastened so as to prevent leakage of the contents in transit.
- (b) The bottle, jar or other container shall then be completely wrapped in fairly strong thick paper. The ends of the paper shall be neatly folded in and affixed by means of gum or other adhesive.
- (c) The paper cover shall be further secured by means of strong twine or thread both above and across the bottle, jar or other container, and the twine or thread shall then be fastened on the paper

cover by means of sealing wax on which there shall be at least four distinct and clear impressions of the seal of the sender, of which one shall be at the top of the packet one at the bottom and the other two on the body of the packet. The knots of twine or thread shall be covered by means of sealing wax bearing the impression of the seal of the sender.

17. **Containers of samples how to be sent to the public analyst.**—The container of sample for analysis shall be sent to the public analyst by registered post or railway parcel or air freight, or by hand in a sealed packet, enclosed together with a memorandum in Form VII in an outer cover addressed to the public analyst.
18. **Memorandum and impression of seal to be sent separately by post.**—A copy of the memorandum and a specimen impression of the seal used to seal the packet shall be sent to the public analyst separately by post.
19. **Addition of preservatives to samples.**—Any person taking a sample of any food for the purpose of analysis under the Act may add a preservative as may be prescribed from time to time to the sample for the purpose of maintaining it in a condition suitable for analysis.

NOTE : - Rule 19 bears relations to para (E) of Rule 15 above. The preservatives to be added are to be prescribed from time to time by the Legislature or other authority appointed by the Government i.e., the Director of Laboratory etc. vide "Rules" framed under the Act for that purpose. The preservatives are to be added in order to preserve and maintain any sample of food substance taken for Analysis in a fit condition for analysis. Food substances become stale and get decayed if kept for any period of time. This condition is due always to bacterial action and through delay the chemical composition of a substance suffers a change. Consequently when

tested with chemicals i.e., by chemical process it might give quite different results than those expected in the case of the foodstuff under test.

- 20. Preservative in respect of milk, cream and gur.**—The preservative used in the case of samples of any milk (including skimmed and separated milk), cream and gur in liquid or semi liquid form shall be the liquid commonly known as “formalin” that is to say, a liquid containing about 40 per cent of formaldehyde in aqueous solution, in the proportion of one drop for one ounce of the sample.

NOTE :—“Formaline” is the commercial name of a preservative containing Formaldehyde, Formic Acid, etc., etc. The Formaline to be used as a preservative in the case of samples of Milk (including Skimmed Milk and Separated Milk) and of Gur (in liquid or semi-liquid form) must contain 40% of Formaldehyde. Ethers, Aldehydes and Ketones are products in Alcoholic fermentation of sugar. They are all (including Alcohol) good germkillers and hence good preservatives. But food preserved with these chemicals is rendered unfit for human consumption as these substances are strong smelling, bitter to taste and poisonous to a degree. Formaldehyde being a compound of Ethyl-Aldehyde and Formic Acid (another poisonous substance) prevents fermentation in the above-mentioned Milk and milk products and Gur etc. by killing the yeast Bacteria necessary for their fermentation.

- 21. Nature and quantity of the preservative to be noted on the label.**—Whenever any preservative is added to a sample, the nature and quantity of the preservative added shall be clearly noted on the label to be affixed to the container.
- 22. Quantity of sample to be sent to the public analyst.**—The quantity of sample of food to be sent to the public analyst/Director for analysis shall be as specified below :—

Articles of food	Approximate quantity to be supplied		
1. Milk	...	...	8 oz.
2. Ghee	...	...	4 oz.
3. Butter	...	...	4 oz.
4. Khoa	...	...	4 oz.
5. Dahi	...	...	8 oz.
6. Edible oils	...	...	4 oz.
7. Edible fats	...	...	4 oz.
8. Tea	...	...	4 oz.
9. Atta	...	...	8 oz.
10. Wheat flour	...	...	8 oz.
11. Gur	...	...	8 oz.
12. Cane sugar	...	...	8 oz.
13. Honey	...	...	4 oz.
14. Prepared food	...	...	16 oz.
15. Aerated water	...	...	12 oz.
16. Vanaspati	...	...	16 oz.

NOTE :—The practice of “filling samples” is to get two samples of the suspected food article and to seal them after using the prescribed preservative etc in the manner detailed above. One sample is to be sent to the public Analyst for Analysis and Report. The other sample is left in the possession of the vendor or manufacturer. If at any latter stage the accused wishes to have the sample examined by the Director then the other sample so preserved and sealed is sent to the Director *vide* R. 4 above. But Rule 4 also provides that prosecutor may also send samples for being tested by the Director. So it would seem necessary to have three samples filled at one and the same time. Therefore at least twice or thrice the quantity mentioned in this Rule of the articles detailed herein should be taken for samples. The quantity for samples is mentioned in ounces for facility of reference and comparison with the Food Sampling Tables of other Nations ; the ounce being an internationally recognised measure. Further there is no uniformity between the current weights in use in the various States of India. One ounce is on a very near approximation equal to half a chhatak.

PART VI - Colouring Matter

- 23. Unauthorised Addition of colouring matter prohibited.**—The addition of a colouring matter to any article of food except as specifically permitted by these rules, is prohibited.

NOTE : — Most of the Aniline dyes and the Sulphur dyes are poisonous chemical. Therefore provision has been made in these Rules for the use of certain other dyes, mostly from vegetable sources, in the preparation and colouring of food substances. If any person uses any colouring matters in the preparation of any food substance or sells or stores for sale any such (coloured) substance, he shall be liable under S. 16 of the Act.

- 24. Extraneous addition of colouring matter to be mentioned on the label.**—Where an extraneous colouring matter has been added to any article of food there shall be written on the label attached to any package of food so coloured a statement in capital letters as below :

NOTE :—Many food articles have their own natural colour which persists after preparations have been made therefrom. For example Carrots Red and Black on cooking, frying or making halwa, gujrela, pillao (Carrot, Rice and Gur) retain their colour. Similarly Phalsa fruit, Ata of Maki etc. etc. retain their colour. But when some *extraneous* colour is added to a food preparation the same is to be declared upon a label to be placed upon the article of the food so prepared as prescribed by these Rules.

- 25. Use of caramel permitted.**—Notwithstanding provisions of rule 24 caramel may be used without label declaration.

NOTE :—If the substance known as Caramel is used in colouring any food preparation it would not be necessary as prescribed by Rule 24 above to declare it on the label.

- 26. Natural colouring matters which may be used.**—
The following natural colouring matters may be used in or upon any article of food :
(a) Cochineal or Carmine,

- (b) Carotin and Carotenoids,
- (c) Chlorophyll,
- (d) Lactoflavin,
- (e) Caramel, or
- (f) Annatto,
- (g) Ratanjot,
- (h) Saffron,
- (i) Curcumin.

NOTE :—The dyes mentioned in this Rule 'a' to 'f' are all vegetable colours. In their pure variety they are all harmless ; the colouring matters are to be declared on the label : The only exception to this rule being caramel (See Rule 25 above).

27. Addition of inorganic matters and pigments prohibited.—Inorganic colouring matters and pigments shall not be added to any article of food.

NOTE :—Use of Inorganic matters and pigments for colouring food substances is prohibited absolutely under this Rule. Inorganic matters are those which are not derived from "organic", i.e., vegetable sources etc. Example of Inorganic pigments or colouring matters are Carbon powder (black), Ferric oxide or Geri (Red), yellow ochre etc. etc. The use of such substances is absolutely prohibited.

28. Coal Tar dyes which may be used.—No coal tar dyes or a mixture thereof except the following shall be used in foods :—

<i>Colour</i>	<i>Common Name</i>	<i>Colour Index</i>	<i>Chemical Class</i>
1. Red	Ponceau 4 R	185	Azo
	Carmoisine	179	"
	Red 6 B	57	"
	Red FB	225	"
	Acid Magenta 11	692	Triphenylmethane
	Fast Red E	182	Azo
2. Yellow	Tartra zine	640	Pyrazolone
	*Sunset Yellow FCF		Azo
3. Blue	Blue VRS	672	Triphenylmethane
	Indigo Carmine	1180	Indigoid
4. Black	Brilliant Black BN	...	Bisazo

*F.D. or C. No. 6.

NOTE:—Coal Tar dyes are those which are prepared from the Coal distillation products. Some of the dyes prepared from coal distillation and latter intricate chemical processes are harmful to the human system being poisonous. The use of coal tar dyes mentioned in this rule is however allowed subject to the rule of declaration on the label.

29. Use of permitted synthetic organic colours or coal tar dyes prohibited.—Use of permitted synthetic organic colours or coal tar dyes in or upon any food other than those enumerated below is prohibited :

- (a) Ice-cream including mixed ice-cream,
- (b) Dairy products except milk, dahi, butter, ghee, chhana, condensed milk, cream and baby foods,
- (c) Smoked fish,
- (d) Egg preparations,
- (e) Sweets including pastry and confectionary,
- (f) Fruit products as per specifications under Fruit Products Order.
- (g) Non-alcoholic beverages except tea, coco and coffee.
- (h) Custard powder.
- (i) Jelly crystals.
- (j) Soup powder.
- (k) Luncheon or Pork Luncheon meat.

NOTE:—This Rule is not quite happily worded. Under this Rule the use of synthetic organic colours or coaltar dyes is *permitted* with regard to the following articles of food preparation *only* : -

- (1) Ice-cream including mixed ice-cream. Ice cream containing bits of fruit *i.e.*, fruit ice cream, etc. is also included under it.
- (2) Dairy products with the *exception* of milk, dahi, butter, ghee, chhanna, condensed milk, cream and baby foods.
- (3) Smoked fish.
- (4) Egg preparations.
- (5) Sweets including pastry and confectionary.
- (6) Fruit preparations as per specifications under Fruit Products Order.

(7) Non-alcoholic beverages *except* tea and coffee. *In all other food preparations, the use of the synthetic organic colours or coal tar dyes is prohibited*

30. **Maximum limit of permitted colours**—The maximum limit of any permitted coal tar colours or mixture of permitted coal tar colours which may be added to any food shall not exceed 1·5 grains per pound of the final food or beverage for consumption.
31. **Colours to be pure.**—The colour specified in rule 28 when used in the preparation of any article of food shall be pure and free from any harmful impurities.

NOTE:—This Rule prescribes that colours to be used for the *colouring of the food* preparations *i.e.*, the colours which are permitted to be so used must be used *pure*. They should be free from all harmful impurities. The maximum quantity of the permitted colouring matter to be used in the preparation of any food must not exceed the limit of one grain per pound of the food prepared see (Rule 30 above).

PART VII—Packing and Labelling of Foods

32. **Contents of the label**—Unless otherwise provided in these Rules there shall be specified on every label :—
- (a) the name, trade name, or description of food contained in the package ;
 - (b) the name and business address of the manufacturer or importer, or vendor, or packer :
 - (c) where any permitted class II preservative and/or colouring agent is added a statement to the effect that it contains permitted class II preservatives and/or permitted colouring agents :
 - (d) the net weight or number or measure or volume of contents as the circumstances may require except in the case of biscuits, confectionary and sweets where the weight may be expressed in terms of either average net weight and/or minimum net weight :

(e) a batch number or code number either in Hindi or English numerals or alphabets or in combination.

Provided that in the case of food package weighing not more than 2 ounces, particulars including the statement under any clause need not be specified :

Provided further that in the case of—

(a) aerated water containers ; and

(b) a package containing more than 2 ounces but not more than 4 ounces of biscuits, confectionary and sweets, particulars under clauses (d) and (e) need not be specified.

Explanation—The term ‘label’ means a display of written, printed, perforated, stencilled, embossed or stamped matter upon the container of any food package.

33. Languages, of the particulars or declaration of the label—The particulars or declaration required under these rules to be specified on the label shall be in English or Hindi in Devnagri script :

Provided that nothing herein contained shall prevent the use of any other language in addition to the language required under this rule. f.

34. Declaration to be of surrounded by time*—There shall be a surrounding line enclosing the declaration and where the words “unfit for babies” are required to be used there shall be another such line enclosing these words.

35. Distance of surrounding line.—The distance between any part of the words “unfit for babies” and the surrounding line enclosing these words shall not be less than one-sixteenth of an inch.

¹ This appears to be a misprint for word “line”

36. **Size of the types used for declaration**—The types used for the declaration shall not in any part, be less than one-eighth of an inch in height.

Provided that where the size of the package does not permit use of a type of one-eighth of an inch, letters of proportionately reduced size may be used.

Provided further that the used for the words "unfit for babies" shall not be less than twice the height of any part of the declaration.

NOTE :—This Rule prescribes that the type used in printing the *Declaration* mentioned heretofore should be at least in letters one-eighth of an inch in size. The printers do not use this nomenclature viz that of one-eighth or one tenth of an inch etc. etc. They describe a type as so many points. It would have been better to prescribe type by points.

When however the size of the package does not permit of one-eighth of an inch type to be used a proportionately smaller size may be used.

When it is necessary to print the words "unfit for babies" on the package, the type to be used therefor should be double the size of the type used for printing of the *Declaration*.

- ✓ 37. **Labels not to contain false or misleading statements.** A label shall not contain any statement, claim, design device, fancy name or abbreviation which is false or misleading in any particular concerning the food contained in the package, or concerning the quantity or the nutritive value or in relation to the place of origin of the said food.

Provided that this rule shall not apply in respect of established trade or fancy names of confectionary biscuits Cream and sweets, such as Barley Sugar, Bulls Eye, Cracker, or in respect of aerated waters such as Ginger Beer or Gold Spot or any other name in existence in international trade practice.

NOTE :—Rule 37 prescribes that the label used on any food package should not contain any *false or misleading statement i.e., any statement* which may overstate a case for the quality, quantity, or properties etc., etc., of any food sold under that label. A number of other items such as a *false or misleading statement, claim, design, device, abbreviation or fancy name* have been specifically prohibited. “Butter quality, Best pure French Margarine Butter etc. might convey to the unwary customer that he is buying pure butter whereas he might be purchasing some quality of Vanaspati or animal fat preparation made to resemble butter. Nor should it state French coffee when the same has been grown and obtained in India.

- 38. Labels not to contain reference to Act or rules contradictory required particulars.**—The label shall not contain any reference to the Act or any of these rules or any comment, on or reference to, or explanation of any particulars or declaration required by the Act or any of these rules to be included in the label which directly or by implication, contradicts, qualifies or modifies such particulars or declaration.

NOTE :—The declaration printed upon a label or other particulars printed thereon should not make reference to the section of the Act or to these Rules for any purpose whatever. Vendors sometimes can make references to Acts of Legislature to imply some sort of false warranty or guarantee of quality etc. to entrap customers. This course of action is prohibited under this Rule.

- 39 Labels not to use words implying recommendation by medical profession.**—There shall not appear in the label of any package containing food for sale the words “recommended by the medical profession” or any words which imply or suggest that the food is recommended, prescribed, or approved by medical practitioners.

NOTE :—To advertise their goods some trades people use such words “recommended by the medical profession” or “prepared in accordance with the recommended formulae of the medical profession” etc. etc. If a vendor or manufacturer of any foodstuffs infringes any provisions of “The Prevention of Adulteration of Food Act or any of these

Rules," they should not be heard to say that their goods are otherwise more nourishing or better from health point of view than the like goods sold by other manufacturers under similar description.

- 40. Unauthorised use of words showing imitation prohibited—**(1) There shall not be written in the statement or label attached to any package containing any article of food the word "imitation" or any word or words implying that the article is a substitute for any food, unless the use of the said word or words is specifically permitted under these rules.

(2) Any beverage which does not contain at least ten per centum of fruit juice by weight in its composition shall not be described as a fruit syrup, fruit juice, squash or cordial or crush and shall be described as a synthetic syrup. Every synthetic syrup shall be clearly and conspicuously marked on the label as a "SYNTHETIC" product, and no container containing such product shall have a label, whether attached thereto or printed on the wrapper of such container, or otherwise, which may lead the consumer into believing that it is a fruit product. Neither the word "FRUIT" shall be used in describing such carries picture of any fruit. Aerated water containing no fruit juice or pulp shall not have a label which leads the consumer into believing that it is a fruit product.

- 41. Imitations not to be marked pure.—**The word "pure" or any word or words of the same significance shall not be included in the label of a package that contains an imitation of any food.

NOTE:—Rules 40 and 41 deal with the subject of imitation or substitutes. The French margarine was invented as a substitute for butter during the 1872 Franco-German War. Rule 40 requires that a manufacturer or vendor of "margarine" should label it as "Margarine" and not as "imitation butter" or "substitute for butter" or "French butter" etc. etc., unless the use of these words is specifically allowed under these rules. Rule 41 requires that imitations

that the label on the package of any imitation food should not contain the words "pure" or "unalloyed" or "full" etc. printed thereon.

42. **Forms of Labels.**— A) *Coffee Chicory Mixture.*— i) Every package containing a mixture of coffee and chicory shall have affixed to it a label upon which shall be printed the following declaration :

Coffee blended with chicory	
This mixture contains :	
Coffee	per cent
Chicory	per cent

(ii) The label shall not bear any misleading expression such as "French coffee".

(iii) The business address of the manufacturer should also be printed at the bottom of the label.

(B) *Condensed Milk or Desiccated (Dried) Milk.*— Every package containing condensed milk or desiccated (dried) milk shall bear a label upon which is printed such one of the following declarations as may be applicable or such other declaration substantially to the like effect as may be allowed by the State Government.

(a) In the case of condensed full cream milk (Unsweetened).

CONDENSED FULL CREAM MILK
(Unsweetened)
This tin contains the equivalent of (x)...pints of milk

(b) In the case of condensed full cream milk (Sweetened)

CONDENSED FULL CREAM MILK

(Sweetened)

This tin contains equivalent of (x) ..pints
of milk, with sugar added.

(c) In the case of condensed skimmed milk (Unsweetened).

CONDENSED MACHINE-SKIMMED MILK
OR
CONDENSED SKIMMED MILK

(Unsweetened)

UNFIT FOR BABIES

This tin contains the equivalent of (x)...pints
of milk.

(d) In the case of condensed skimmed milk (Sweetened).

CONDENSED MACHINE-SKIMMED MILK
OR
CONDENSED SKIMMED MILK

(Sweetened)

UNFIT FOR BABIES

This tin contains the equivalent of (x)...pints
of milk with sugar added.

- (e) In the case of desiccated (dried) full cream milk :

DRIED FULL CREAM MILK This tin contains the equivalent of (x)...pints of milk.

- (f) In the case of desiccated (dried) partly skimmed milk :

DESICCATED (DRIED) PARTLY SKIMMED MILK <table border="1" style="margin: 10px auto; width: 80%;"> <tr> <td> Should not be used for babies EXCEPT under medical advice </td> </tr> </table> This tin contains the equivalent (x)..... pints of cream milk.	Should not be used for babies EXCEPT under medical advice
Should not be used for babies EXCEPT under medical advice	

- (g) In the case of desiccated (dried) skimmed milk :

DESICCATED (DRIED) SKIMMED MILK <table border="1" style="margin: 10px auto; width: 60%;"> <tr> <td> UNFIT FOR BABIES </td> </tr> </table> This tin contains the equivalent of (x) pints of skimmed milk.	UNFIT FOR BABIES
UNFIT FOR BABIES	

(ii) The declaration shall in each case be completed by inserting at (x) the appropriate number in words and in figures, for example, "one and half ($1\frac{1}{2}$)" any fraction being expressed as eighth, quarters or a half as the case may be. For the purpose of deciding the equivalent of pints of milk or skimmed milk under these rules, 'milk'

means milk which contains not less than 12.4 per cent. of total milk solids (including not less than 3.6 per cent. of milk fat) and 'skimmed milk' means milk which contains not less than 9 per cent. of milk solids other than milk fat.

(iii) There shall not be placed on any package containing condensed milk or desiccated (dried) milk any comment on, explanation of, or reference to either the statement of equivalence, contained in the prescribed declaration or on the words "Machine skimmed," "skimmed" or "unfit for babies" except instructions as to dilution as follows: -

"To make a fluid not below the composition of fresh milk or skimmed milk or cream milk (as the case may be) with the contents of this package, add (here insert the number of parts) of water by volume to one part by volume of this condensed milk or desiccated (dried) milk."

(iv) Wherever the word "milk" appears on the label of a package of condensed skimmed milk or of desiccated (dried) skimmed milk as the description or part of the description of the contents, it shall be immediately preceded or followed by the word "machine skimmed" or "partly skimmed" as the case may be.

(c) **Ice cream.** — Every dealer in ice-cream or mixed ice-cream who, in the street or other place of public resort, sells or offers or exposes for sale, ice-cream or ice-candy from a stall or from a cart, barrow or other vehicle, or from a basket, phial tray or other container used without a staff or a vehicle, shall have his name and address along with the name and address of the manufacturer, if any, legibly and conspicuously displayed on the stall, vehicle or container, as the case may be.

43. Notice of addition, admixture or deficiency in food—(1) Every advertisement and every price or trade list or label for an article of food which contains an addition, admixture or deficiency shall describe the food as containing such addition, admixture or deficiency and shall also specify the nature and quantity of such addition, admixture or deficiency. No such advertisement or price or trade list or label attached to the container of the food shall contain any words which might imply that the food is pure.

(2) Every package, containing a food which is not pure by reason of any addition admixture or deficiency shall be labelled with an adhesive label, which shall have the following declaration.—

DECLARATION

This (a) ... contains an admixture
of not more than (b) ... per cent of (c)

(a) Here insert the name of food.

(b) Here insert the quantity of admixture which may be present.

(c) Here insert the name of the admixture or the name of the ingredient which is deficient.

Where the context demands it, the words 'contains an admixture of, shall be replaced by the words, contains an addition of' or 'is deficient in'.

(3) Unless the vendor of a food containing an addition, admixture or deficiency, has reason to believe that the purchaser is able to read and understand the declaratory label, he shall give the purchaser, if asked the information contained in the declaratory label by word of mouth at the time of sale.

(4) Nothing contained in this rule shall be deemed to authorise any person to sell any article of food required under the Act or these rules to be sold in pure condition, otherwise than in its pure condition.

(5) Nothing contained in this rule shall apply in the case of sweets, confectionary, biscuits, bakery products, processed fruits, aerated water and vegetables.

NOTE :—Addition, Admixture or Deficiency in a food article is to be shown on the Label affixed on its package. If the purchaser of a food package is unable to read and understand the label on such a package, the vendor should *if asked by the purchaser* explain to him the real position about such food packet. Articles which are under these Rules directed to be sold in their pure condition shall be sold in their pure condition and cannot be “admixed” etc. under the provisions of this Rule.

PART VIII—Prohibition and Regulating of Sales.

44. **Sale of certain admixtures prohibited.**—Notwithstanding the provisions of rule 43 no person shall either by himself or by any servant or agent sell—

(a) cream which has not been prepared from milk or which contains less than 40 per cent of milk fat,

(b) milk which contains any added water,

(c) ghee which contains any added matter not exclusively derived from milk fat,

(d) skimmed milk (fat abstracted) as milk,

(e) a mixture of two or more edible oils as an edible oil,

(f) vanaspati to which ghee has been added,

(g) any article of food which contains or in the preparation of which artificial sweetner has been used,

(h) turmeric containing any foreign substance.

(14) mixture of coffee and any other substance except chicory.

NOTE :—This Rule absolutely prohibits the sale of the 8 articles of food mentioned herein in the conditions specified. To mix some cheap edible oil with some dearer quality and sell it as a dearer quality of oil is prohibited under part (e). The mixing of Vanaspati and Ghee for purposes of sale is absolutely prohibited (f) (also see Rule 46 below). Artificial sweetners such as Saccharine etc., are prohibited *under all ordinary conditions* (See Rule 47 below).

45. Food resembling but not pure honey not to be marked honey. —

No person shall use the word honey or any word, mark, illustration, or device that suggests honey on the label or any package of, or in any advertisement for, any food that resembles honey but is not pure honey.

NOTE :—Artificial Honey had of late flooded the Indian market. People in India excepting a few States such as Kashmir, Nagpur and Alwar do not care much for Bee-keeping. Hence the general demand for this article was catered for and met by a spurious article made from "first treacle" and vinegar etc. Honey imported from U.S.A. etc. was also often declared a doubtful article by importers and users alike. This Rule if it can reach the dishonest honey manufacturer would really prove of great benefit.

46. Sale or use for sale of admixtures of ghee or butter prohibited. —

No person shall sell or have in his possession for the purpose of sale or for use as an ingredient in the preparation of an article of food for sale a mixture of ghee or butter and any substance (a) prepared in imitation of or as a substitute for ghee or butter, or (b) consisting of or containing any oil or fat which does not conform to the definition of ghee :

Provided where a mixture prohibited by this rule is required for the preparation of an article of food, such mixture shall be made only at the time of the preparation of such article of food.

47. Addition of Saccharine to be mentioned on the label.—Saccharine may be added to any food if the container of such food is

labelled with an adhesive declaratory label, which shall be in the form given below :—

This contains an admixture of not more than
(Name of food)

..... per cent. of saccharine. Exclusively
meant for use by diabetic patients or person suffering from
obesity or where sugar is contra-indicated.

NOTE :—Saccharine can be added to any food article instead of sugar, but another *i.e.*, second, declaration in the form given below should be pasted to the packet of such food.

48. Use of flesh of naturally dead animals or fowls prohibited.—

No person shall sell or use as an ingredient in the preparation of any article of food intended for sale, the flesh of any animal or fowl which has died on account of natural causes.

48-A. Sale of permitted food colours.—(1) No person shall sell coal tar dyes, or their mixtures or any preparation of such colours for use in or upon food, except under a licence.

(2) No person shall sell a permitted coal tar dye for use in or upon food unless its container carries a label stating the following particulars :

- (a) the words "Food Colours",
- (b) the chemical and the common or commercial name of the dyestuff.

(3) No person shall sell a mixture of permitted coal tar dyes for use in or upon food unless its container carries a label stating the following particulars :

- (a) the words "Food Colour Mixture".
- (b) the chemical and the common or commercial name of the dyestuff contained in the mixture.

(4) No person shall sell a preparation of permitted coal tar dyes for use in or upon food unless its container carries a label stating the following particulars :

(a) the words "Food Colour Preparation "

(b) the name of various ingredients used in the preparation.

PART IX—Conditions for Sale and Licence

49 **Conditions for sale.**—(1) Every utensil or container used for manufacturing, preparing or containing any food or ingredient of food intended for sale shall be kept at all times in good order and repair and in a clean and sanitary condition. No such utensil or container shall be used for any other purpose.

(2) No person shall use for manufacturing, preparing or storing any food or ingredient of food intended for sale, any utensil or container which is imperfectly enamelled or imperfectly tinned or which is made of such materials or is in such a state as to likely to injure such food or render it noxious.

(3) Every utensil or container containing any food or ingredient of food intended for sale shall at all time be either provided with a tight-fitting cover or kept closed or covered by a properly fitting lid or by a close fitting cover or gauze, net or other material of a texture sufficiently fine to protect the food completely from dust, dirt and flies and other insects.

(4) No utensil or container used for the manufacture or preparation of, or containing any food or ingredient of food intended for sale shall be kept in any place in which such utensil or container is likely by reason of impure air or dust or any offensive, noxious or deleterious gas or substance or any noxious or injurious emanations, exhalation, or effluvium, to be contaminated and thereby render the food noxious.

(5) A utensil or container made of the following materials or metals, when used in the preparation of food shall be deemed to render it unfit for human consumption :

- (i) containers which are rusty ;
- (ii) enamelled containers which have become chipped and rusty ;
- (iii) copper or brass containers which are not properly tinned ; and
- (iv) containers made of aluminium containing an admixture of lead.

Provided that utensils or containers made of copper or brass which are not properly tinned may be used in the preparation of sugar or confectionary and mere use of such utensils or containers shall not be deemed to render sugar or confectionary unfit for human consumption.

NOTE :—This Rule provides for cleanliness and observance of the rules of Hygiene by the manufacturers, stockists and vendors of articles of food.

50. **Conditions for licence.**—(1) No person shall manufacture, sell, stock, distribute or exhibit for sale any of the following articles of food except under a licence —

- (a) milk or skimmed milk or separated milk,
- (b) milk products, including khoa, cream, rabari, dahi, etc.
- (c) ghee,
- (d) butter,
- (e) charbi,
- (f) edible oils,
- (g) waste ghee,
- (h) sweetmeats and savoury,
- (i) aerated water,

- (j) articles made out of flour including biscuits and other bakery products, or
- (k) any other article of food (except the fruit products covered under Fruit Products Order), which the State Government by notification specify.

(2) The State Government or the local authority shall appoint licensing authorities.

(3) A licensing authority may with the approval of the State Government or the local authority by an order in writing delegate the power to sign licences and such other powers as may be specified in the order to any other person under his control.

(4) If articles of food are manufactured, stored or exhibited for sale at more than one place, separate application shall be made, and a separate licence shall be issued, in respect of each such place :

Provided that this shall not apply to itinerant vendors who have no specified place of business and who will be licensed to conduct business in a particular area within the jurisdiction of the licensing authority.

(5) Before granting a licence for manufacture, stock or exhibition of any of the articles of food in respect of which a licence is required, the licensing authority shall inspect the premises and satisfy itself that it is free from sanitary defects. The applicant for the licence shall have to make such alteration in the premises as may be required by the licensing authority for the grant of a licence.

(6) Any person to whom a licence is granted for manufacturing, storing, or selling ghee butter or both, shall not be granted a licence to manufacture, store, or sell either waste ghee or hydrogenated vegetable oil or charbi within the radius of a furlong from the place of his business and *vice versa*.

(7) Proprietors of hotels and restaurants who sell or expose for sale savouries, sweets or other articles of food shall put up a notice board containing separate lists of the articles which have been cooked in ghee, edible oil, hydrogenated vegetable oil and other facts for the information of the intending purchasers.

(8) Oils which are declared as not intended for human consumption or have been denatured, shall not be manufactured, stored or sold in the same premises where edible oils are manufactured, stored or sold.

(9) No licence shall employ in his work any person who is suffering from infections, contagious or loathsome disease.

(10) No person can manufacture, store or expose for sale or permit the sale of any article of food in any premises not effectively separated to the satisfaction of the licensing authority from any privy, urinal, sullage, drain or place or storage of foul and waste matter.

(11) All vessels used for the storage or manufacture, of the articles intended for sale shall have proper covers to avoid contamination.

(12) Every manufacturer or wholesale dealer in butter, ghee, hydrogenated vegetable oils, edible oils, and other fats shall maintain a register showing the quantity manufactured, received or sold and the destination of each consignment of the substances sent out from his manufactory or place of business, and shall present such register for inspection whenever required to do so by the licensing authority.

(13) An itinerant vendor granted a licence under these rules shall carry a metallic badge showing clearly the licence number and the nature of the article for the sale of which the licence has been granted.

(14) The nature or articles of food for the sale of which a licence is required under these rules shall be mentioned in the application for licence. Any objectionable, ambiguous or misleading trade name shall not be approved by the licensing authority.

(15) Every licensee who sells any food, shall display a notice board containing the nature of the articles which he is exposing or offering for sale.

51. Duration of licences—A licence shall, unless sooner suspended or cancelled will be in force for such period as the State Government may prescribe.

Provided that if application for a fresh licence is made before the expiry of the period of validity of the licence, the licence shall continue to be in force until orders are passed on the application.

NOTE :—The period for which licences for the manufacture and sale etc. of food articles are to be granted and remain in force shall be fixed by the State Government. When fresh application is made during the continuance of the previous licence, the previous licence shall remain in force until orders are passed on that fresh application. A licence if not suspended or cancelled earlier shall remain in force for the term for which it was granted.

52. Definition of Preservative—Preservative means a substance which when added to food, is capable of inhibiting, retarding or arresting the process of fermentation, acidification or other decomposition of food:

53. Classification of Preservatives.—Preservatives shall be divided into following classes :

(i) Class I Preservative shall be

(a) Common Salt,

(b) Sugar,

(c) Dextrose,

- (d) Glucose,
- (e) Wood smoke,
- (f) Spices,
- (g) Vinegar or acetic acid,
- (h) Honey,
- (i) Hops,
- (j) Commercial salt petre, and
- (k) Alcohol or potable spirits.

Addition of Class I Preservatives in any proportion is not restricted.

(ii) Class II Preservative shall be

- (a) Benzoic acid including salts thereof, and
- (b) Sulphurous acid including salts thereof, and
- (c) Nitrites of Sodium or Potassium in respect of food like ham pickled meat.

54. Use of more than one Class II Preservative prohibited.—No person shall use in or upon a food more than one Class II Preservative.

55. Use of Class II Preserves restricted.—The use of Class II Preservatives shall be restricted to the following group of foods in concentration not exceeding the proportions given below against each :—

Article of food	Preservative	Parts per millions
-----------------	--------------	--------------------

1

2

3

1. Sausages and sausage meat containing raw meat, cereals and condiments ...	Sulphur dioxide
--	-----------------

1	2	3
2. Fruit, fruit pulp or juice (not dried) for conversion into jam or crystallised glace or cured fruit or other products.		
(a) Cherries ...	do	3,000
(b) Strawberries and rasp- berries ...	do	2,000
(c) Other fruits ...	do	1,000
3. Fruit juice concentrate	do	1,500
4. Dried fruits :—		
(a) Apricots, peaches, apples, pears and other fruits	do	2,000
(b) Raisins and sultanas ...	do	750
5. Other non-alcoholic wines, cordials, fruit juices and beverages sweetened and unsweetened ...	Sulphur dioxide or benzoic acid	350 600
6. Jam, Marmalade, preserve, canned cherry and fruit jelly ...	Sulphur dioxide or Benzoic acid	40 200
7. Crystallised glace or cured fruit (including candied peel) ...	Sulphur dioxide	150
8. Fruit and fruit pulp not otherwise specified in this schedule ...	do	350
9. Sugar, glucose, Gur and Khandisari ...	do	70

1	2	3
10. Corn flour and such like		
starches	do	100
11. Corn syrup	do	450
12. Gelatine	do	350
13. Beer	do	70
14. Cider	do	200
15. Alcoholic wines	do	450
16. Sweetened mineral water	Sulphur dioxide or	70
	Benzoic acid	120
17. Brewed ginger beer	Benzoic acid	120
18. Coffee extract	Benzoic acid	450
19. Pickles and chutney made from fruit or vegetables	do	250
20. Tomato and other sauces	do	750
21. Cooked pickled meat including ham and bacon	Sodium or potassium nitrite	Not more than 200 p.p.m. (calculated as sodium nitrite)
22. Danish tinned Caviar	Benzoic acid	50
23. Dehydrated vegetables	Sulphur dioxide	2,000
24. Tomato puree and paste	Benzoic acid	250
25. Syrups and sherbats	Sulphur dioxide or Benzoic acid	600
26. Dried ginger	Sulphur dioxide	2,000

56. **Container of food which contains preservative not to be marked "Pure."**—The word "Pure" shall not be used on the label of the container of any food which contains preservative.

APPENDIX A

FORM I

[See rule 4 (1)]

(Memorandum to the Director, Central Food Laboratory)

From

.....
.....

APPENDIX A—contd.

To

The Director, ...
Central Food Laboratory,
.....
.....

No. dated the 19

Memorandum

I send herewith, under the provisions of Section 13 (2) of the prevention of Food Adulteration Act, 1954, sample (s) of a food purporting to be for test or analysis and request that a report on the result of the test or analysis may be supplied to this Court.

1. Distinguishing No. on the container and outer covering.....
2. Particulars of offence alleged.....
3. Matter on which opinion required.. ...A fee of Rs. has been deposited in Court.

Magistrate.

FORM II

[See rule 4 (5)]

(Certificate of test or analysis by the Central Food Laboratory)

Certificate that the sample(s), bearing number
purporting to be a sample/samples of.....
received.....with Memorandum No.....

dated on... ..from.....has have been tested/analysed
and that the result/results of such test(s) /analysis is/are stated below.

.....
.....
.....
.....
.....
.....
.....

2. The condition of the seals on the container and the outer
covering on receipt was as follows :

.....
.....

Director,
Central Food Laboratory.....

Place :

Date :

If opinion is required on any other matter, suitable paragraph(s)
may be added

FORM III

[See rule 7 (3)]

Report by the Public Analyst.

Report No.....

I hereby certify that I... ..
.....Public Analyst for
.....duly appointed under the provisions of the

APPENDIX A—contd.

Prevention of Food Adulteration Act, 1954, received on the.....
day of..... 19.....

from.....

a sample of.....

for analysis, properly sealed and fastened, and that I found the seal and
unbroken.

I further certify that I have analysed the aforementioned sample, intact and declare the result of my analysis to be as follows :—

.....

.....

.....

and am of the opinion that.....

.....

.....

.....

Signed this.....day

of 19 ...

(Signature)

Public Analyst

Address.....

.....

FORM IV

[See rule 10]

Whereas** intended for food which is in your possession appears to me to be adulterated misbranded.

Now therefore under sub-section (4) of Section 10 of the Prevention of food Adulteration Act, 1954, (37 of 1954) I hereby direct you to keep in your safe custody the said sealed stock subject to such orders as may be issued subsequently in relation thereto.

Food Inspector,

Area... ..

Place :

Date :

FORM V

[See rule 11]

The stock of articles of food detailed below has this day been seized by me under the provisions of sub-section (4) of Section 10 of the Prevention of Food Adulteration Act, 1954, (37 of 1954), from the premises of..... situated at.....

****Here give the name of article of food.**

Details of article of food seized.

Date :

Food Inspector,

Area.....

APPENDIX A—Contd.

FORM VI

[See rule 12]

To

.....

.....

.....

I have this day taken from the premises of.....
 studied at Samples of the
 food specified below to have the same analysed by the public analyst, for

Details of food

Food Inspector,

Area.....

Place :

Date :

FORM VI-A

[See rule 12—A]

Form of Warranty

Invoice No..... Place.....

From..... Date.....

To

Date of sale	Nature or quality of article	Quantity	Price
1	2	3	4

FORM VII

[See rule 17]

Memorandum to Public Analyst

From

.....

.....

.....

To

The Public Analyst,

.....

.....

Dated the.....19.....

No.

Memorandum

The sample described below is sent herewith for analysis under-clause (b) of sub-section (1) of Section 10 and/or clause (c) (ii) of sub-section (1) of Section 11 of the Prevention of Food Adulteration Act, 1954.

1. Serial No. of the sample :
2. Name of the vendor :
3. Date and place of collection :
4. Nature of article submitted for analysis :
5. Nature and quantity of preservative if any, added to the sample.

6. A copy of the memo, and a specimen impression of the seal used to seal the packet of sample is being sent separately by registered post/by hand*.

Food Inspector,
Area.....

APPENDIX B

[See rule 5]

*Definitions and Standard of quality***A.01. Beverages-Non-alcoholic.**

A.01.01. Aerated water, other than soda water, means potable water sweetened with sugar impregnated with carbon dioxide or oxygen or with both, under pressure, with or without admixture of salts of

**Strike out whichever is not applicable.*

sodium, magnesium or calcium, singly or in combination, with or without Citric Acid and of the permitted flavouring and colouring substances, if any, and shall not contain tartaric acid or phosphoric acid or other mineral acid or any lead or other poisonous metal, or any other added substance.

Aerated water shall be deemed to be below the standard of purity if it is manufactured from water is unfit for drinking purposes or if ice manufactured from such water is inserted in it.

A.01.02. Soda water shall be potable water impregnated with carbon dioxide or oxygen or with both, under pressure with or without admixture of salts of sodium, magnesium or calcium, singly or in combination, and shall not contain any lead or other poisonous metal or any other added substance.

Soda water shall be deemed to be below the standard of purity if it is manufactured from water which is unfit for drinking purpose or if ice manufactured from such water is inserted in it.

A.02. Baking powder means combination capable under conditions of baking, of yielding carbon dioxide, and consists of sodium bicarbonate and acid-reacting material, starch or other neutral material.

The acid-reacting material of baking powder shall be

- (a) tartaric acid or its salts, or both
- (b) acid salts of phosphoric acid
- (c) acid compounds of aluminium, or
- (d) any combination of the foregoing.

When tested, baking powder shall yield not less than 10 per cent. of its weight of carbon dioxide.

A.03. Starchy Foods.

A.03.01. Arrow Root means the separated and purified starch from the rhizomes of the plant known as *Maranta arundinacea*.

A.03.02. Tapioca globules known as Tapioca sago or Sabudana means the edible starchy product of the roots of the tapioca plant (*Manihot utilissima*) and shall be free from lime, talc or any other non-starchy foreign ingredients.

A.04. Asafetida means the oleo-gum-resin obtained from the resin obtained from the rhizome and root of *ferula foetida*, *Ferula rebricaulis* and other species of *Ferula*. It shall contain no sand, gravel or other

foreign mineral matter, colophont resin, galbonum resin, ammoniacum resin or any other foreign resin : the ash shall not exceed 20 per cent. of its weight ; and the alcoholic extract (with 90 per cent. alcohol) shall be not less than 25 per cent.

Compounded Asafoetida or Bandhani Hing is composed of one or more varieties of Asafoetida (Irani and or Pathani Hing) gum arabic and wheat and/or rice flour. It shall not contain sand, gravel or other foreign mineral matter, colophony resin, galbonum resin, ammoniacum resin or any other foreign resin. The ash content shall not exceed 10 per cent of its weight and the alcohol extract (with 90 per cent alcohol) shall not be less than 10 per cent. Use of coal tar dyes or mineral pigment is prohibited.

A.05.01. Turmeric (Haldi) means the dried rhizome or bulbous root of plants of genus *Curcuma* and species *longa* and includes turmeric in whatsoever form. It shall be free from damage by insect pest, from lead chromate and other artificial colouring matter, and shall not contain more than 2.5 parts per million of lead. It shall conform to the following standard :

- (a) Moisture shall not be more than 10 per cent.
- (b) The characteristic boric acid test shall be positive.
- (c) Total ash shall be not more than 7 per cent.
- (d) Ash insoluble in Hcl shall not exceed 1.5 per cent.

A.05.02 Cumin seed (*Cuminum cyminum*) shall not contain

- (a) more than 5 per cent. of foreign seeds.
- (b) more than 9.5 per cent. of total ash, and
- (c) more than 1.5 per cent. of ash insoluble in Hcl.

A.05.03 Caraway (*Carum carvi*) seeds shall not contain

- (a) more than 5 per cent. of foreign seeds
- (b) more than 8 per cent. of total ash, and
- (c) more than 1.5 per cent. of ash insoluble in Hcl

A.05.04. Cinnamon means the dried inner bark of *Cinnamomum zeylanicum*, powdered cinnamon shall not contain any cassia nor any other foreign vegetable substance. It shall contain not more than eight per cent. of total ash and not more than two per cent of ash insoluble in hydrochloric acid and shall contain not less than 0.5 per cent. of volatile essential oil.

A 05.05. Cloves means the dried flower-buds of *Eugenia Caryophyllata*. They shall not contain any exhausted or partly-exhausted cloves, nor any foreign vegetable or mineral substance nor more than five per cent. by

weight of clove stems. It shall contain not less than 15 per cent of volatile ether extract, not more than 7 per cent of total ash and not more than 0.5 per cent. of ash insoluble in HCl.

A.05.06. Coriander is the dried fruit of the coriander plant, and shall not contain more than 7 per cent of total ash 1.5 per cent. of ash insoluble in hydrochloric acid.

A.05. Bean means dry kidney shaped or flattened seeds of the leguminous varieties used as food, either whole or prepared as dhal. It shall not contain hydrocyanic acid exceeding 20 parts per million as determined by A.O.A.C. Maceration method.

A.05.07. Black Pepper or Pepper Corn means the sound fruit of *Piper nigrum* having the characteristic appearance and shall conform to the following standards :

- (a) Deteriorated fruits and any extraneous matter shall not exceed 3 per cent.
- (b) Light berries shall not exceed 5 per cent.
- (c) Total non-volatile ether extract shall be not less than 7 per cent.
- (d) Total starch content shall be not less than 30 per cent.
- (e) Total ash content shall not exceed 8 per cent and
- (f) Ash insoluble in HCl shall not exceed 1.5 per cent.

A.05.08. Ginger means the the washed and dried or the decorticated and dried rhizome of *Zingiber officinale* and shall be free from damage from insect pests. Sulphur dioxide may be used as a preservative. It shall conform to the following analytical standards:—

- (a) Alcohol (90 per cent) soluble extract Not less than 4.5 per cent.
- (b) Ash Not more than 70% ^.
- (c) Water soluble ash Not less than 1.7%
- (d) Cold water soluble extract Not less than 100%. (7.)

A.05.09. Cardamom: "Lesser Cardamom" or Chota Ilaychi means the dried nearly ripe fruit of *Electtaria cardamomum*. It shall not contain more than 5 per cent of damaged seed or extraneous matter and shall be free from sand, earth, dirt and admixture by substituted seeds. It shall contain not less than 3.5 per cent of volatile oil. The total ash content shall not exceed 8 per cent. and ash insoluble in hydrochloric acid 3 per cent.

“Greater Cardamom”—*Bara Ilaychi* shall be the dried, nearly ripe fruit of the various species of genus *Amomum* and shall contain not less than 1.0 per cent of volatile essential oils. The total ash content shall not exceed 8% and ash insoluble in hydrochloric acid 3%.

A.05.10. *Chillies (Capsicum)* means the dried, ripe fruits of the genus *Capsicum* and may contain brownish yellow flat seeds and shall be free from sand, earth, or dirt. It shall be free from infestation, extraneous colouring matter, oil and other foreign substances or substitutes. It shall contain:—

- (a) not more than 3.0 per cent of calces and pedicles,
- (b) not more than 1.0 per cent foreign organic matter,
- (c) not more than 8.0 per cent total ash,
- (d) not more than 1.25 per cent ash insoluble in hydrochloric acid,
- (e) not more than 30 per cent crude fibre,
- (f) not less than 12 per cent non-volatile ether extract.

A.05.11. *Aniseed or Saonf* is the dried, ripe fruit of *Pimpinella anisum*. It shall have the characteristic appearance and shall be free from sand, earth, dirt and admixture by substituted seeds. It shall not contain:—

- (a) more than 5 per cent of foreign seeds or matter,
- (b) more than 9 per cent of total ash,
- (c) more than 1.5 per cent of ash insoluble in hydrochloric acid,
- (d) less than 2 per cent volatile oil.

A.05.12. *Fennel Fruits (or seeds) or Sowa* means the dried, ripe fruit of cultivated plants of *Foeniculum vulgare*. The fruit shall be sound and free from sand, earth, or other dirt and shall not contain:—

- (a) more than 4 per cent of foreign organic matter, seeds or stalks,
- (b) more than 9 per cent of total ash,
- (c) more than 2 per cent of ash insoluble in hydrochloric acid,
- (d) less than 4 per cent of volatile oil.

A.05.13. *Fenugreek (Methi)* is the dried ripe seeds of *Trigonella foenumgraecum*. It shall not contain more than 5 per cent damaged seeds or extraneous matter and shall be free from dust, dirt, extraneous weed seeds, off smell and insects. It shall not contain—

- (a) more than 10 per cent of moisture,

- (b) more than 5 per cent of foreign organic matter,
- (c) more than 7 per cent of total ash,
- (d) more than 2 per cent of ash insoluble in hydrochloric acid,
- (e) less than 30 per cent of water soluble extract.

A 05.14. Nutmeg (Jaiphal) means the dried seed (Kernel) of the fruit *Myristica fragrans*. It shall be sound and free from infestation and conform to the following specifications :—

- (a) not more than 5 per cent of total ash,
- (b) not more than 0.5 per cent of ash insoluble in hydrochloric acid,
- (c) not less than 25 per cent of non-volatile ether extract,
- (d) not more than 10 per cent crude fibre.

A.05.15. Mace (Jaitree) means the dried outer coat or arillus of the fruit, *Myristica fragrans* and shall not contain the arillus of any other variety of *Myristica* including *M. malabarica* or *Fatua* (Bombay Mace) and *M. argentes* (wild Mace).

It shall not contain:—

- (a) more than 5 per cent of the deteriorated article or extraneous or foreign organic matter,
- (b) more than 3 per cent of total ash,
- (c) more than 10 per cent of crude fibre,
- (d) less than 20 per cent and not more than 30 per cent of non-volatile ether extract.

A.07. Sweetening Agents

A.07.01. Cane Sugar is a crystallized sugar obtained from sugarcane, beet-root, etc. and includes the refined product obtained from gur.

It shall contain not more than 0.7 per cent. of ash, not more than 1.5 per cent of water and not less than 96.5 per cent. sucrose.

A.07.02. Bura shall contain not less than 96.5 per cent. of total sugar expressed as sucrose and should contain not more than half per cent. of its weight as insoluble ash. It should be free from all poisonous matter. In the case of Khandsari the minimum sugar content in term of sucrose should be not less than 90 per cent.

A.07.3. Honey means the food derived entirely from the work of bees operating upon the nectar of flowers and other sweet exudation of

plants. It shall not contain more than (a) 25 per cent. of moisture (b) 0.5 per cent. of ash, and (c) 10 per cent. of sucrose. The minimum reducing sugar content shall be 60 per cent. Fiehe's test should be negative.

A.07.04. Ice-candy means the frozen ice produce containing sugar, with or without the addition of the permitted colouring or flavouring substances.

A.07.05. Gur or jaggery means the product obtained by boiling or processing juice pressed out of sugar cane or extracted from palmyra palm, date palm or coconut palm. It shall be free from substances deleterious to health and shall conform to the following analytical standards on dry weight basis :

- (i) total sugars not less than 90% and sucrose not less than 70%.
- (ii) extraneous matter insoluble in water not more than 2 per cent.
- (iii) total ash not more than 6 per cent.
- (iv) ash insoluble in hydrochloric acid.
(HCl) not more than 0.5 per cent.

Gur or jaggery other than that of the liquid or semi-liquid variety, shall not contain more than 10 per cent. moisture.

A.08.01. *Coffee*

A.08.01. (1) Coffee (green, raw or unroasted) means the seed of Coffee Arabica, Coffee liberica or Coffee robusta ; freed from all but a small portion of its spermoderm by decortication.

(2) Roasted Coffee means properly cleaned green coffee which has been roasted to a brown colour and has developed its characteristic aroma.

(3) Ground Coffee means the powdered product obtained from 'roasted Coffee' only and shall be free from husk.

(4) Coffee (green, raw or unroasted), 'roasted coffee' and 'ground coffee' shall be free from any artificial colouring, flavouring, facing; extraneous matter or glazing substance and shall be in sound, dry and fresh condition free from rancid or abnoxious flavour.

(5) Coffee (green, raw or unroasted), 'roasted coffee' and 'ground coffee' shall conform to the following analytical standards :—

- (i) Total ash (determined on the sample dried to constant weight at 100°C), shall be feathery white or bluish-white in

colour and shall be not less than 3.5 per cent. and not more than 5.0 per cent. by weight of which not less than 65 per cent. shall be soluble in boiling distilled water. The ash insoluble in hot dilute HCl shall be not more than 0.1 per cent.

- (ii) The alkalinity of the ash per gram, of dried coffee shall be equivalent to not less than 3.4 ml. and not more than 4.4 ml. of N/10 acid.
- (iii) The caffeine content, as obtained by standard methods, shall be not less than 1.2 per cent.
- (iv) The aqueous extract (determined by extraction of 2 grams of the sample dried to constant weight at 100°C with 100 ml. of boiling distilled water for one hour under reflux) shall be not less than 15 per cent. and not more than 32 per cent.

A.08.02. Chicory means the dried and roasted root of *Chicorium intybus* Linn.

A.08.03. Coffee Chicory mixture of Coffee mixed with chicory or Coffee and chicory shall be pure ground coffee mixed with roasted and ground chicory shall be in sound, dry and dust free condition with no rancid or obnoxious flavour.

Any tin or other receptacle containing a mixture of coffee and chicory shall not bear any misleading expression such as 'French coffee'.

The expression "French Coffee" may be used if followed by the words "mixed with chicory" or "blended with chicory."

A.09. *Curry Powder*. - Curry powder shall contain not less than 85 per cent by weight of condiments and spices belonging to the group of aromatic herbs and seeds such as black-pepper, cinnamon, cloves, coriander, cardamom, chillies, cummin seeds, fenugreek, garlic, ginger, mustard, poppy seeds, turmeric, mace, nutmeg, curry leaves, white pepper, saffron and aniseeds and shall contain not more than 15 per cent. by weight of farinaceous matter and salt. If the manufacturer includes any spices condiments, or any substance other than the aromatic herbs and seeds enumerated, the exact nature of such added ingredient or ingredients shall be specified on the wrapper or label prominently and such additions shall be made in lieu of, or partial replacement of farinaceous material and/or salt quota. The aromatic seeds and herbs enumerated constitute the proper ingredients and not more than one, or all of these may be used at the discretion of the manufacturer in the preparation of the curry powder.

A.10. *Edible Fat.*

A.10.01. Beef fat or suet means fat obtained from a beef carcass. It shall have Saponification value varying from 193 to 200 and an Iodine value from 35 to 46.

A. 10.02. Mutton fat means fat obtained from the carcass of sheep. It shall have a Saponification value varying from 192 to 195 and an Iodine value from 35 to 46.

A. 10.03. Goat fat means the rendered fat from Goat. It shall have a Saponification value varying from 193 to 196 and an Iodine value from 36 to 45.

A.10.04. Lard : means the rendered fat from hogs and shall not contain more than one per cent. of substances other than fatty acids and fat. It shall have a Saponification value varying from 192 to 198 and an Iodine value from 52 to 65.

A.11. *Milk and Milk Products*

A 11.01. Milk means the normal clean and fresh secretion obtained by complete milking of the udder of a healthy cow, buffalo, goat or sheep during the period following at least 72 hours after calving or until colostrum free whether such secretion has been processed or not.

A.11. 01. 01. Cow milk shall contain not less than 3.5 per cent. of milk fat, except in Orissa, where it shall be not less than 3 per cent. and in Punjab and PEPSU, where it shall be less than 4.0 per cent. The milk solids other than milk fat, shall not be less than 9 per cent.

A.11. 01. 02. Buffalo milk shall contain not less than 5.0 per cent. of milk fat, except in Delhi, Punjab, PEPSU, Uttar Pradesh, Bihar, West Bengal and, Assam, Bombay and Saurashtra where it shall be less than 6 per cent. The milk solids other than milk fat, shall be not less than 9 per cent.

A.11.01.03. Goat or sheep milk shall contain not less than 3.0 per cent. of milk fat except in Madhya Pradesh, Punjab, PEPSU, Bombay, Uttar Pradesh and Travancore-Cochin where it shall not be less than 3.5 per cent. The milk solids other than milk fat, shall be not less than 9 per cent.

Where milk, other than skimmed milk, is sold or offered for sale without any indication as to whether it is derived from cow, buffalo, goat, or sheep, the standard prescribed for buffalo milk shall apply.

A.11.02. Skimmed milk means milk from which all or most of the milk fat, has been removed by mechanical or any other process and includes "separated milk" or "machine skimmed milk". The milk solids other than milk fat, shall be not less than 8.5 per cent.

A.11.03. Butter-milk means the product obtained after removal of butter from curd by churning or otherwise.

A.11.04. Toned Milk shall be prepared by toning milk with fresh separated milk or with separated milk reconstituted from spray dried skimmed milk powder.

It shall contain not less than 3.0 per cent. of milk fat and 8.5 per cent of milk solids other than milk fat.

A.11.05. Butter means the product prepared exclusively from the milk or cream of cow or buffalo, or both, with or without the addition of salt and annatto and shall contain not less than 30 per cent. of milk fat and not more than 16 per cent. of moisture. No preservative is permissible in butter.

A.11.06. *Dahi or curd*.—(a) Whole milk dahi or curd means the product obtained from fresh whole milk either of cow or buffalo by souring. It shall not contain any ingredient not found in milk.

(b) Skimmed milk dahi or curd means the product obtained from skimmed milk either of cow or buffalo by souring. It shall not contain any ingredient not found in milk.

The standard of purity of dahi or curd shall be the same as prescribed for the milk from which it is derived.

A.11.07. Condensed milk means milk which has been concentrated from full cream milk by removal of parts of its water with or without the addition of sugar, and includes the article commonly known as 'evaporated milk' but does not include the article known as 'dried milk' or 'milk powder'. It shall be free from preservatives other than sugar and contain at least 31 per cent. of milk solids of which at least 9 per cent. shall be fat.

A.11.08. Condensed skimmed milk means skimmed milk which has been concentrated by removal of part of its water with or without the addition of sugar. The total milk solids including milk fat shall not be below 26.0 per cent. in the sweetened variety and 20 per cent. in the unsweetened variety.

A.11.09. Chhanna means the product obtained by precipitating the curd from boiling whole milk of cow and buffalo by the addition of lactic or citric acids, or any other suitable coagulating agent.

Chhanna prepared from cow milk or buffalo milk shall contain a minimum of 15 per cent. of milk fat.

A.11.10. Cream means that portion of milk rich in milk fat which has risen to the surface of milk on standing and has been removed or which has been separated from milk by centrifugal force. It shall contain not less than 10 per cent. of milk fat and shall not contain any added substance. The fat separated from cream shall conform to the specification prescribed for ghee.

A 11.10.01 Dry whole Milk (Milk powder, Powdered milk, Powered whole milk) shall contain not less than 95 per cent. of milk solids and 26 per cent. of milk fat.

A 11.10.02. Dry skim milk (Skim milk powder, Powdered skim milk) shall contain not less than 94 per cent. of milk solids.

A 11.11. Ice-cream means the frozen food made with cream, milk or other milk products, sweetened with sugar or honey and with or without (a) egg, (b) fruit, (c) nuts, (d) chocolates, (e) stabiliser not more than 0.5 per cent. of the finishing product and (f) permissible flavour or colour. It shall contain not less than 36 per cent by weight of solids and 10 per cent. by weight of milk fat except that when the ice-cream contains fruits or nuts or both the content of milk fat may be proportionately reduced but not to less than 8.0 per cent. by weight. It shall not contain any starch, artificial sweetening agent or any other extraneous matter. Ice-cream prepared from skimmed milk shall not contain less than 8.5 per cent. of milk solids other than milk fat.

A.11.12. Mixed Ice-Cream means the same as ice-cream in composition except that it may contain starch or any other innocuous filler. The fat content and total solid content should be the same as prescribed for the ice-cream.

A.11.13. Khoa means the product derived from milk of cow or buffalo by partial desiccation of water therefrom by the process of heating and it shall not contain any ingredient not found in milk. The moisture content of Khoa shall not exceed 10 per cent. and the fat content shall not be less than 20 per cent.

A.11.14. Ghee means the pure clarified fat derived solely from milk or from curds or from cream to which, no colouring matter or pre-

servative has been added. It shall conform to the following specifications in Punjab, Uttar Pradesh, Bhopal, Vindhya Pradesh, Bihar, West Bengal (except Bishnupur) and PEPSU (except Mahendragarh) :—

- | | |
|--|--------------------------------------|
| (a) Butyro refractometer reading at 40°C | .. 40.0 to 43.0 |
| (b) Reichert Value | Not less than 28.0 |
| (c) Free fatty acids as oleic acid | Not more than 3.0 per cent. |
| (d) Moisture | - Not more than 0.3 per cent. |

In Madras, Andhra, Travancore-Cochin, Hyderabad, Mysore, Orissa, Assam, Tripura, Manipur, Madhya Bharat, Bombay, Himachal Pradesh, Mahendragarh District of PEPSU, Madhya Pradesh (except cotton tract areas) and Rajasthan (except Jodhpur) the specifications will be the same as above except that Reichert Value shall be not less than 26.0.

In Saurashtra, Kutch, cotton tract areas of Madhya Pradesh, Jodhpur Division of Rajasthan and Bishnupur sub-division of West Bengal the Reichert Value shall be not less than 21 and the Butyro-refractometer reading at 40°C shall be between 41.5 to 45.0. The limits for Free fatty acids and moisture shall be the same as for ghee in Punjab, PEPSU etc. given above.

A.12. Margarine means any article of food which resembles butter in consistency, appearance and moisture content but which does not contain more than 10 per cent of milk fat, the rest being animal fat or vegetable oil product or both. It shall contain at least 80 per cent. of fat and not more than 16 per cent. of moisture. It shall contain not less than 5 per cent. of its weight or til oil but sufficient to respond to Badouin Test, the red colour produced being not lighter than 2.0 Red Unit in a 1 cm. cell on a Lovibond Scale.

A.13. Saffron means dried stigmata and tops of styles of *Crocus sativus*, and (a) it must not contain any foreign colouring matter or any other foreign matter, organic or inorganic, (b) it must not lose more than 12 per cent. of its weight when dried at 100°C (212°F) to constant weight, and (c) it must contain not less than 5 per cent. of petroleum ether extract.

A.14. Tea means tea derived exclusively from the leaves and buds of plants of the *Camellia* genus and the species. It shall conform to the following specifications :

- | | |
|--|----------------------|
| (a) Total ash determined on tea dried to a constant weight at 100°C. | 5.0 to 8.0 per cent. |
|--|----------------------|

(b) Total ash soluble in boiling Distilled Water.	Not less than 40.0 per cent. of total ash.
(c) Ash insoluble in HCl.	Not more than 1.0 per cent.
(d) Extract obtained by boiling dry tea (dried at constant weight at 100°C) with 100 parts of distilled water for an hour under reflux.	Not less than 35 per cent.
(e) Alkalinity of soluble ash.	Not less than 1.3 per cent. and not more than 2 per cent. expressed as K 270.
(f) Crude fibre.	Not more than 55 per cent.

A.15. Edible Common Salt means a crystalline solid, white or pale, pink or light grey in colour, free from visible contamination with clay, grit and other extraneous adulterants and impurities. It shall not contain moisture in excess of 6 per cent. of the weight of undried sample. It shall contain on dry weight basis (a) at least 96.0 per cent. by weight of sodium chloride (NaCl), (b) not more than 1.0 per cent. by weight of matter insoluble in water and (c) not more than 3.0 per cent. by weight of matter soluble in water other than sodium chloride.

A. 16. Food Products

A.16.01. Fruit Juice means the unfermented and unconcentrated liquid expressed from sound, ripe fresh fruit, and with or without :—

- (a) sugar, dextrose, invert sugar, or liquid, glucose, either singly or in combination.
- (b) water, peel oil, fruit essences and flavour, common salt, ascorbic acid, citric acid and permitted colours and preservative.

The acidity of the finished product calculated as citric acid shall not be less than 4 per cent in the case of pure Lemon Juice or pulp and not less than 5 per cent in the case of pure lime juice but shall not exceed 3.5 per cent in the case of other juices.

A.16.02 Tomato Juice means canned or bottled, unconcentrated pasteurized juice expressed from tomato with a proportion of the pulp expressed with or without the application of heat by any method that

does not add water to such juice, from whole, ripe tomatoes from which all stems and objectionable portions have been removed and with or without :

- (a) salt,
- (b) sugar, or dextrose, or both added in dry form,
- (c) citric acid, malic acid or ascorbic acid,
- (d) permitted colours.

The total soluble solids W/W shall be not less than 5 per cent

A.16.03. Fruit Syrup means sweetened fruit juice containing sugar, dextrose, invert sugar, or liquid glucose either singly or in combination, with or without :—

- (a) water, peel-oil, fruit essences and flavours, common salt,
- (b) citric acid, ascorbic acid,
- (c) permitted preservative and colours.

The total soluble solids W/W shall be not less than 65 per cent.

A.16.04. Fruit Squash means the expressed juice of the sound ripe fruit with the pulp, containing sugar, dextrose, invert sugar or liquid glucose either singly or in combination and with or without :—

- (a) water, peel-oil, fruit essences and flavours, common salt,
- (b) citric acid, ascorbic acid,
- (c) permitted preservative and colours.

The total soluble solids W/W in the finished product shall be not less than 40 per cent.

A.16.05. Fruit Beverage or Fruit Drink means any beverage or drink which is purported to be prepared from fruit juice and water, or carbonated water, and containing sugar, dextrose, invert sugar or liquid glucose either singly or in combination and with or without :—

- (a) water, peel-oil, fruit essences and flavours,
- (b) citric acid, ascorbic acid,
- (c) permitted preservative and colours

Total soluble solids W/W in the final product shall be not less than 10 per cent.

A.16.06. Tomato Sauce, Tomato Ketchup, Tomato Relish or any other expression conveying the meaning that the product so designated is a form of a tomato sauce, shall be a preparation of sound and ripe tomatoes with or without :—

- (a) sugar, salt, vinegar, acetic acid, onions, spices or condiments,
- (b) citric acid, ascorbic acid,
- (c) permitted preservative and colours.

Total acidity in terms of acetic acid shall be not less than 1.2 per cent and the total soluble solids W/W not less than 25 per cent. It shall not contain any other vegetable substance.

A 16.07. Jam means the product obtained by processing fresh fruit, canned fruit, dried fruit or fruit pulp, with water, sugar, dextrose, invert sugar or liquid glucose either singly or in combination by boiling to a suitable consistency and with or without :—

- (a) citric, malic, ascorbic acid,
- (b) permitted preservative and colours,
- (c) pectin in the form of fruit juice or pulp.

The minimum soluble solids W/W shall be 60 per cent. Jam shall not contain :—

- (a) less than 45 per cent of fruit except where fruit is strawberry or raspberry when it shall contain not less than 25 per cent,
- (b) sweetening agent other than specified above,
- (c) apple or rhubarb, but it may contain in any amount that reasonably compensates for any deficiency in the natural acidity or pectin content of the fruit used in its preparation,
- (d) tartaric acid, or
- (e) extraneous pectin, agar or gelatin.

A.16.08. Jam with added pectin means the product obtained by processing fresh fruit, canned fruit, dried fruit or fruit pulp, with water, sugar, dextrose, invert sugar or liquid glucose, either singly or in combination, by boiling to a suitable consistency and with or without :—

- (a) (i) citric, malic, ascorbic acid,
- (ii) lemon or lime juice,
- (iii) cider vinegar ;
- (b) pectin or pectinous preparation,
- (c) permitted preservative and colours.

It shall not contain less than ^{24.5}27 per cent of the named fruit except where such fruit is strawberry or raspberry when it shall contain not less than 15 per cent.

Total soluble solids W/W shall not be less than 60 per cent. The product shall be labelled as "Jam with added Pectin".

A.16.09. Marmalade means the product made from any combination of peel, pulp, and juice of the named citrus fruit by boiling with water, sugar, dextrose, invert sugar or liquid glucose either singly or in combination, to a suitable consistency and with or without an acid ingredient in an amount that reasonably compensates for any deficiency

in the natural acidity of the fruit used in its preparation, consisting of :—

- (a) citric, malic, tartaric, or ascorbic acid,
- (b) lemon or lime juice,
- (c) cider vinegar

It may contain permitted preservative and colours.

It shall not contain less than 45 per cent of the named fruit

Total soluble solids W/W shall be not less than 60 per cent.

A.16.10. Marmalade with added Pectin means the product made from any combination of peel, pulp or juice of the named citrus fruit by boiling with water sugar, dextrose, invert sugar or liquid glucose, either singly or in combination to a suitable consistency with or without :—

- (a) (i) citric, malic, tartaric, ascorbic acid,
- (ii) lemon or lime juice,
- (b) pectin or pectinous preparation,
- (c) permitted preservative and colours

It shall not contain less than 27 per cent of the named fruit.

Total soluble solids W/W shall be not less than 60 per cent.

The product should be labelled as "Marmalade with added Pectin"

A.16.11. Fruit Chutney means a preparation made from sound fruits and vegetables with spices, salt, onion, garlic, sugar, jaggery, vinegar or acetic acid, and shall contain not less than 50 per cent of total soluble solids W/W and permitted preservative.

A.16.12. Sauce shall be the product derived from any suitable kind and variety of fruit and vegetable which are wholesome and which shall be practically free from insect or fungal attack or blemish affecting the quality of the fruit or vegetable. The only substances that may be added are fruit, vegetable, their pulp, juice, dried fruit, sugar, spices, salt, vinegar, acetic acid, citric acid, malic acid, onion, garlic, flavouring material and permitted preservatives and colours.

A.17. Edible Oils

A.17.01. Coconut oil (Naryal ka-tel) means the oil expressed from copra obtained from the kernel of *Cocos nucifera* nuts. It shall be clear and free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards :

(a) Butyro-refractometer reading at 40°C	34.0 to 35.5
(b) Saponification value	250 to 260
(c) Iodine value	7.5 to 10.0
(d) Palenske value	Not less than 13.0
(e) Free fatty acid as Oleic acid	Not more than 3.0%

A.17.02. Cotton seed oil (Binola-ka-tel) means the oil expressed from clean, sound and decorticated cotton seeds (genus *Gossypium*), refined and dehydrated. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards :

(a) Butyro-refractometer	...	...	57.9 to 60.2
(b) Saponification value	...	...	190 to 198
(c) Iodine value	...	..	105 to 112
(d) Unsaponifiable matter	...	...	Not more than 1.5 %
(e) Free fatty acid as Oleic acid	...	...	Not more than 1.0 %

A.17.03. Groundnut oil (moongh-phali ka-tel) means the oil expressed from clean and sound groundnuts (*Arachis hypogaea*). It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards :

(a) Butyro refractometer reading at 40° C.	54.0 to 57.1
(b) Saponification value	188 to 196
(c) Iodine value	85 to 99
(d) Unsaponifiable matter	Not more than 1.0 %
(e) Free fatty acid as Oleic acid	Not more than 3.0 %
(f) Belhier test (turbidity temperature)	39°C to 41°C.

A.17.04. Linseed oil (Tisi-ka-tel) means the oil obtained by process of expressing clean and sound linseed (*Linum usitatissimum*). It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards :—

(a) Butyro refractometer reading at 40°C.	69.5 to 74.3
(b) Saponification value	188 to 195
(c) Iodine value	Not less than 170
(d) Unsaponifiable matter	Not more than 1.5%
(e) Free fatty acid as Oleic acid	Not more than 2.0%.

A.17.05. Mahua oil means the oil expressed from clean and sound seeds or nuts of *Madhuca* (*Bassia latifolia* or *B. Longifolia* or a mixture of both). It shall be clear and shall be free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring

substances, or mineral oil. It shall conform to the following standards :—

(a) Butyro-refractometer reading at 40°C	49.5 to 52.7
(b) Saponification value	187 to 196
(c) Iodine value	58 to 70
(d) Unsaponifiable matter	Not more than 2.0%
(e) Free fatty acid as Oleic acid	Not more than 20.0%

A.17.06. Mustard oil (Sarson-ka-tel) means the oil expressed from clean and sound mustard seeds, belonging to the *compestris*, *junceae* or *napus* varieties of *Brassica*. It shall be clear, free from rancidity, suspended, or foreign matter, separated water; added colouring or flavouring substances or mineral oil. It shall conform to the following standards :

(a) Butyro-refractometer reading at 40°C	58.0 to 60.5
(b) Saponification value	168 to 176
(c) Iodine value	96 to 108
(d) Unsaponifiable matter	Not more than 1.2%
(e) Free fatty acid as Oleic acid	Not more than 3.0%

The test for argemone oil should be negative.

A.17.07. Olive oil means the oil expressed from the ripe olive fruit (*Olea europea*). It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances or mineral oil. It shall conform to the following standards :

(a) Butyro-refractometer reading at 40°C	53.0 to 56.0
(b) Saponification value	185 to 196
(c) Iodine value	79 to 90
(d) Unsaponifiable matter	Not more than 1.0%
(e) Free fatty and acid as Oleic acid	Not more than 3.0%

A.17.08. Poppy seed oil means the oil expressed from poppy seeds (*Papaver somniferum*). It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards :

(a) Butyro-refractometer reading at 40° C	60.0 to 64.0
(b) Saponification value	186 to 194
(c) Iodine value	133 to 143
(d) Unsaponifiable matter	Not more than 1.0%
(e) Free fatty acid as Oleic acid	Not more than 3.0%

A.17.09. Safflower oil (barrey-ka-tel) means the oil expressed from the seeds of *Carthamus tinctorius*. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following

standards :

(a) Butyro-refractometer reading at 40°C	62.4 to 64.7
(b) Saponification value	186 to 196
(c) Iodine value	135 to 146
(d) Unsaponifiable matter	Not more than 1.0%
(e) Free fatty acid as Oleic acid	Not more than 3.0%

A.17.10. Taramira oil means the oil expressed from clean and sound seeds of Taramira (*Eruca sativa*). It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards:

(a) Butyro-refractometer reading at 40°C	58.0 to 60.0
(b) Saponification value	174 to 177
(c) Iodine value	99 to 105
(d) Unsaponifiable matter	Not more than 1.0%
(e) Free fatty acid as Oleic acid	Not more than 3.0%

A.17.11. Til Oil (Gingelly or sesame oil) means the oil expressed from clean and sound seeds of Til (*Sesamum indicum*), black, brown, white, or mixed. It shall be clear, free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, or mineral oil. It shall conform to the following standards:

(a) Butyro refractometer reading at 40°C.	58.0 to 61.0
(b) Saponification value	... 188 to 193
(c) Iodine value	... 105 to 115
(d) Unsaponifiable matter	... Not more than 1.5%
(e) Free fatty acid as Oleic acid	... Not more than 3.0%

A.17.12. Niger Seed Oil (*Sargiya-ka-tel*) means the edible oil obtained by process of expressing clean and sound seeds of *Guizotia abyssinica*. It shall be clear and free from rancidity, suspended or other foreign matter, separated water, added colouring or flavouring substances, mineral or other oil. It shall conform to the following standards:

(a) Butyro-refractometer reading at 40°C	61.0 to 65.0
(b) Saponification value	... 188 to 193
(c) Iodine value	... 125 to 135
(d) Unsaponifiable matter	... Not more than 1.0%
(e) Free fatty acid as Oleic acid	... Not more than 3.0%
(f) Bellier test (turbidity temperature)	25°C to 26°C

A.18 Cereals

A. 18.01. Atta means the coarse product obtained by milling or grinding wheat and sieving it. It shall contain not more than 2.5 per cent of ash and not less than 7 per cent of gluten both calculated on dry

weight basis. It shall be free from grit and the alcoholic acidity (with 90 per cent alcohol) shall not exceed 0.1 per cent expressed as sulphuric acid (H_2SO_4).

A.18.02. Maida means the fine product made by milling or grinding wheat and bolting or dressing the resulting wheat meal. It shall contain not more than 1 per cent of ash and not less than 8.0 per cent of gluten both calculated on dry weight basis. The alcoholic acidity (with 90 per cent alcohol) shall not exceed 0.1 per cent, expressed as sulphuric acid (H_2SO_4).

A.18.03 Semolina (Suji) is the food prepared from wheat by the process of grinding and bolting to such a degree of fineness that it passes through a No. 20 Sieve and not more than 3 per cent passes through a No. 100 Sieve. It shall be free from grit and insect infestation, musty smell and off-odour and should be creamy yellow in colour.

It shall contain :

- (a) not more than 1 per cent of total ash ;
- (b) not more than 13.5 per cent of moisture.
- (c) not less than 6.0 per cent of gluten.

A. 19. Vegetable Oil Product or Vanaspati means any refined edible oil or oils, subjected to a process of hydrogenation in any form. It shall be prepared by hydrogenation from groundnut oil, cotton seed oil and sesame oil or mixtures thereof or any other harmless vegetable oils allowed by the Government for the purpose. It shall conform to the standards specified below :

- (i) It shall not contain any harmful colouring, flavouring or any other matter deleterious to health.
- (ii) No colour shall be added to hydrogenated vegetable oil unless so authorised by Government, but in no event any colour resembling the colour of ghee shall be added
- (iii) If any flavour is used, it shall be distinct from that of ghee, in accordance with a list of permissible flavours and in such quantities as may be prescribed by Government.
- (iv) It shall not have moisture exceeding 0.25 per cent.
- (v) The melting point as determined by the capillary slip method shall be from 33°C to 37°C, both inclusive.
- (vi) The Butyro-refractometer reading at 40°C shall not be less than 48.
- (vii) It shall not have unsaponifiable matter exceeding 1.25 per cent.
- (viii) It shall not have free fatty acids (calculated as Oleic acid) exceeding 0.25 per cent.

(ix) The product on melting shall be clear in appearance and shall be free from staleness or rancidity, and pleasant to taste and smell.

(x) It shall contain raw or refined sesame (til) oil not less than 5 per cent by weight, but sufficient so that when the Vegetable Oil Product is mixed with refined groundnut oil in the proportion of 20 : 80, red colour produced by the Baudouin test shall not be lighter than 2.0 Red units in a 1 cm cell on a lovibond scale.

(xi) It shall contain not less than 700 I.U. of synthetic Vitamin 'A' per ounce.

A.20. Vinegar means a liquid derived from alcoholic and acetous fermentation of any suitable medium such as fruits, malt, molasses, sugarcane juice, etc.

Vinegar shall conform to the following standards :—

1. It shall contain at least 3.75 grammes of acetic acid per 100 ml.
2. It shall contain at least 1.5 per cent W/V of total solids and 0.1 per cent of ash.
3. It shall not contain (i) sulphuric acid or any other mineral acids, (ii) lead or copper, (iii) arsenic in amounts exceeding 1.5 parts per million, and (iv) any foreign substance or colouring matter except caramel.
4. Malt vinegar, in addition, shall have at least 0.05 per cent of phosphorus pentoxide (P_2O_5) and 0.04 per cent of nitrogen.

Brewed vinegar shall not be fortified with acetic acid.

Synthetic vinegar shall be distinctly labelled as "synthetic" and shall state on label "prepared from acetic acid".

A.21. Catechu (Edible) shall be the dried aqueous extract prepared from the heart-wood of *Acacia catechu*. It shall be free from infestation, sand, earth or other dirt and shall conform to the following standards :—

- (a) 5 ml. of 1 per cent aqueous solution, and 0.1 per cent solution of ferric ammonium sulphate shall give a dark green colour, which on the addition of sodium hydroxide solution shall change to purple.
- (b) When dried to constant weight at 100°C, it shall not lose more than 12 per cent of its weight.
- (c) Water insoluble residue (dried at 100°C) shall not be more than 25 per cent by weight.
- (d) Alcohol insoluble residue in 90 per cent alcohol dried at 100°C, not more than 30 per cent by weight.

- (e) Total ash on dry basis—not more than 8 per cent by weight.
- (f) Ash insoluble in HCl not more than 0.5 per cent on dry weight basis.

A.22. Gelatin shall be the purified air dried product obtained by extraction with hot water, of certain tissues such as, skin, ligaments and bones of slaughtered healthy animals. It shall be colourless, transparent, odourless, in brittle sheets or in vitreous shreds, shall be free from objectionable tastes and odour and from pathogenic bacteria and shall not contain any added colour, dyes of the inorganic group or coal tar dyes; shall not contain poisonous metals above the permissible limit; shall be completely soluble in acetic acid and insoluble in 90 per cent alcohol and ether; shall dissolve in water (1 in 50) and solidify to a jelly on cooling.

It shall not contain:

- (a) more than 15 per cent moisture;
- (b) more than 3.25 per cent of total ash;
- (c) more than 350 parts per million of sulphur dioxide;
- (d) less than 15 per cent of nitrogen on dry weight basis

Gelatin meant for human consumption should be labelled as "Edible Gelatin".

A.23. Mustard seed means the dried, ripe seed of *Brassica nigra*, *Brassicae Juncea* and other allied cultivated varieties of the species belonging to the natural order Cruciferae and to the genus *Sinapis* or *Brassica*. The common species are black or brown mustard (*B. nigra*), brown or serepta mustard (*B. besseriana*), white or yellow mustard (*B. alba*) and Indian mustard (*B. juncea*).

It shall not contain:—

- (a) more than 5 per cent of foreign organic matter, and deteriorated or other seeds, and shall be free from insect pests. It shall be free from argemone seeds;
- (b) more than 5 per cent of total ash;
- (c) more than 1.5 per cent of ash insoluble in hydrochloric acid;
- (d) less than 0.6 per cent of volatile essential oil.

A.24. Poppy seed is the dried, ripe seed from the fruit of the Opium Poppy, *Papaver somniferum*. The seeds may be white or greyish in colour.

It shall not contain:—

- (a) more than 5 per cent by weight, of other harmless foreign seeds, dust or other foreign or vegetable matter;
 - (b) more than 8 per cent of total ash;
 - (c) less than 40 per cent of oil.
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